



Arlington Zoning Board of Appeals

Date: Tuesday, October 6, 2020
Time: 7:30 PM
Location: Conducted by remote participation
Additional Details: This hearing was originally scheduled for September 29, 2020. All agenda items that were to be heard on September 29, 2020 will be heard at this meeting.

Agenda Items

Administrative Items

1. **Remote participation details**

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the Arlington Zoning Board of Appeals meetings shall be physically closed to the public to avoid group congregation until further notice. The meeting shall instead be held virtually using Zoom.

Please read Governor Baker's Executive Order Suspending Certain Provision of Open Meeting Law for more information regarding virtual public hearings and meetings: <https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

The Zoning Board of Appeals is inviting you to a scheduled Zoom meeting.
Topic: Zoning Board of Appeals, Meeting/Hearing
Time: October 6, 2020, 7:30 PM Eastern Time (US and Canada)

Hi there,

You are invited to a Zoom meeting.

When: Oct 6, 2020 07:30 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/j/96375909129>

After registering, you will receive a confirmation email containing information about joining the meeting.

Meeting ID: 963 7590 9129

Find your local number: <https://town-arlington-ma-us.zoom.us/j/96375909129>

Dial by Location: 1-646-876-9923 US (New York)

2. **Members Vote: Approval of Meeting Minutes from September 8, 2020**
3. **Members Vote: Approval of Decisions from August 25, 2020**
4. **Members Vote: Revised Application and Information Forms**
5. **Update on Residential Design Guidelines Development**
6. **Review of Thorndike Place Hearing Schedule**
7. **Thorndike Place**
8. **Application - Information Forms - FINAL (for approval)**
9. **Application - Request for Special Permit - FINAL (for approval)**
10. **Application - Request for Variance - FINAL (for approval)**

Hearings

11. **Docket # 3594: 72-74 Grafton Street**
12. **Docket # 3605: 150 Summer Street**
13. **Docket # 3634: 21 Oakledge Street**

Meeting Adjourn



Town of Arlington, Massachusetts

Update on Residential Design Guidelines Development

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	20201006_ZBA_PresentationUpdated.pdf	20201006_ZBA PresentationUpdated



Arlington Residential Design Guidelines Study

ZBA Presentation - September 29, 2020

Town of Arlington, Department of Planning and Community Development

Agenda

- 1. Project Overview**
- 2. Next Steps and
ZBA Involvement**
- 3. Discussion**

Project Goals

The Town of Arlington is working with the community to create Residential Guidelines for one-family, two-family, and three-family residential projects in R0, R1, and R2 districts that:

- Address three sets of interests: the preferences of neighborhood residents; the desires of property owners to add onto or replace existing housing; and the general public interests of the Arlington community.
- Codify the balances between different needs in a clear and understandable way - community and individual, aesthetics and market needs, control and flexibility.
- Recommend an approval process that ensures the balance is embodied in the built environment as new structures are built.

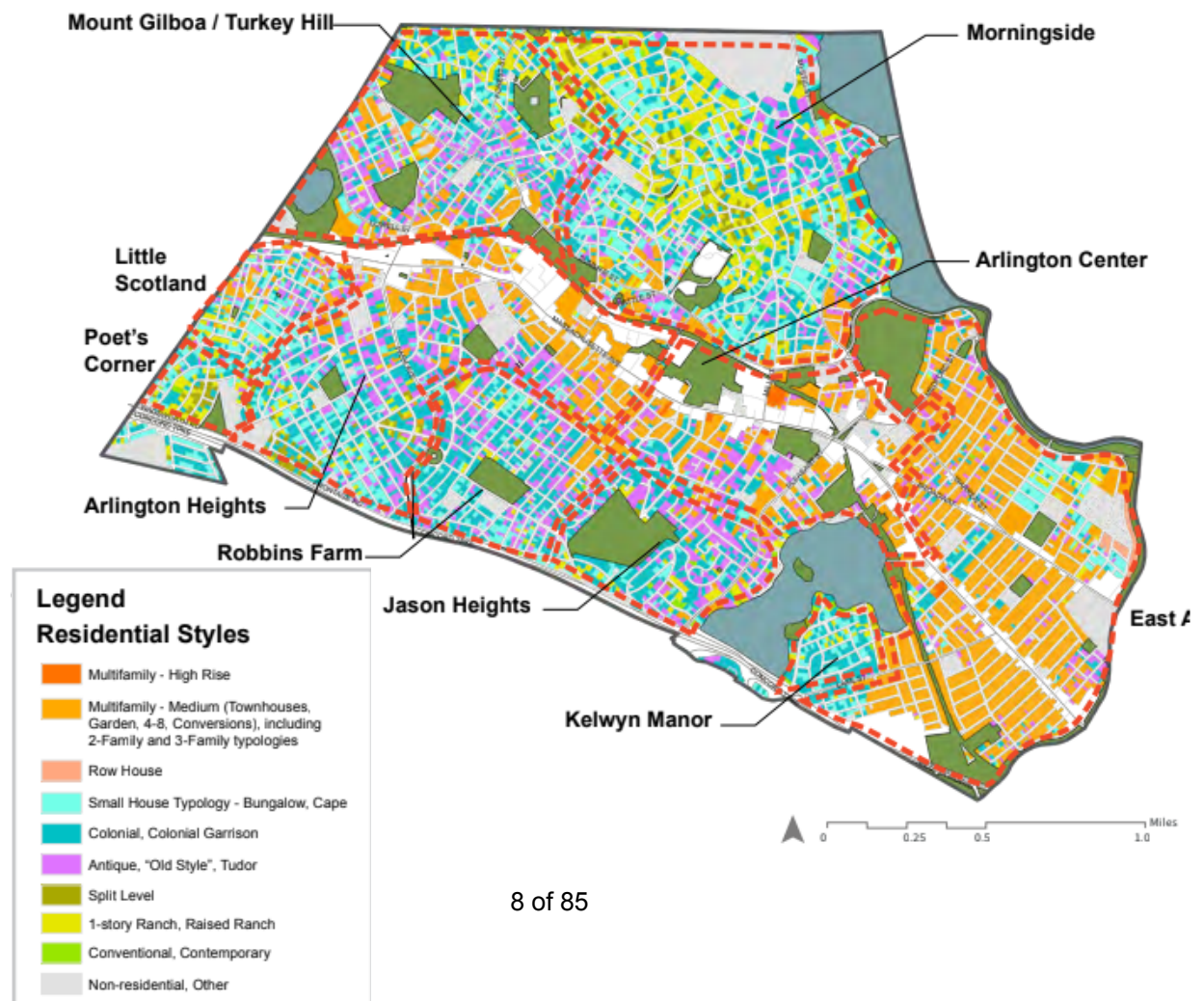
Process and Timeline



1 | Existing Conditions Analysis

Through the analysis, the team worked to understand:

- Key design issues and patterns that impact the identity of a neighborhood
- Design factors that differentiate Arlington's single-family and two-family neighborhoods
- Current permitting process



2 | Engagement: Key Design Issues



1. Additions that do not fit the design context of the existing house and neighborhood

Addition overtakes original house and effectively create three-story houses; Medford, MA. Source: Google Streetview.



2. New Construction that is not in scale with the neighborhood

Large home with many elements; Lexington, MA. Source: Google Streetview.



3. Parking that dominates the principal façade

Attached, front-facing garage dominates the house; Medford, MA. Source: Google Streetview.

2 | Engagement: Community Feedback

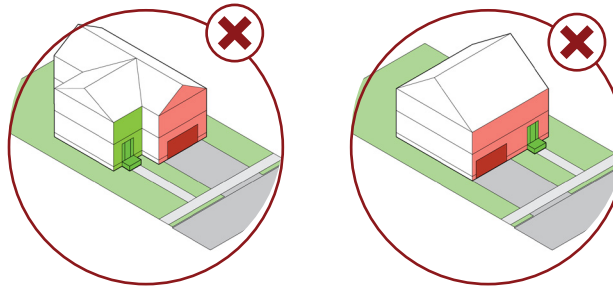
Option 1



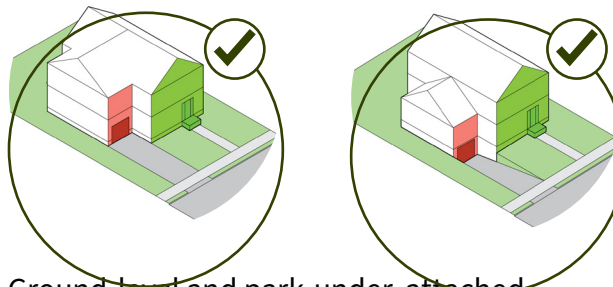
The appearance of Attached Garages should be minimized. The attached garage should not dominate the principal façade.

Specific Recommendations are for illustrative purposes only.

Option 2

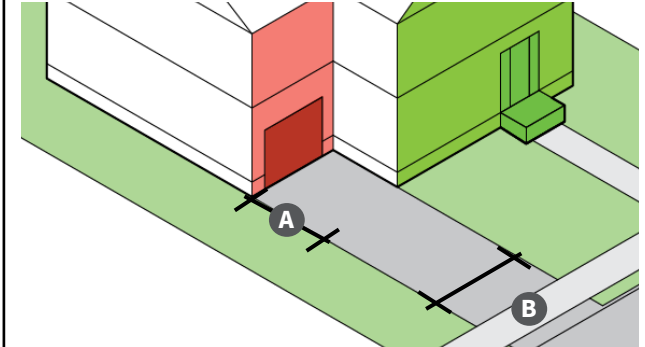


The appearance of Attached Garages should be minimized. Attached Garage should not be flush with the principal façade or extend past the principal façade.



Ground-level and park-under, attached garages should be set back from the principal façade to minimize their visual impact.

Option 3



- A** Front-facing garage setback from primary façade: 8 ft
- B** Single-car garage doors are preferred. Double-car garages should use two single-car doors instead of one double-wide garaged door. Driveways should taper and not be wider than 12 ft at the point of intersection with the sidewalk.

**General
Urban Design
Principles**

**Prescriptive
Dimensional
Limits**

3 | Draft Design Guidelines

Guideline Principles

Streetscape Design Principles

- A-1: Arlington's residential neighborhoods are distinct and organized into Neighborhood Block Categories to reflect differing lot sizes.
- A-2: New houses and significant additions should be oriented and located in a way that is consistent with their Neighborhood Block Category.
- A-3: Streetscapes should feel welcoming to people walking down the street and should minimize disruptions from driveways.
- A-4: Creative solutions and exceptions are encouraged to help new houses and renovations with special circumstances and non-conforming lots in a way that is consistent with the Neighborhood Block Category.

Building Design Principles

- B-1: Arlington's residential neighborhoods are made up of diverse architectural styles; new houses and renovations are encouraged to borrow elements from existing block styles and avoid being too plain or too complex.

- B-2: Creative solutions are encouraged to ensure new houses are designed to be consistent with the streetscape's rhythm.
- B-3: New additions are encouraged to match or complement the style of the original structure and match the rhythm of other houses on the street.

Building Elements Principles

- C-1: Building elements such as entrances, roofs, dormers, and windows should be used in a way to help the house to feel welcoming and active.

Definitions

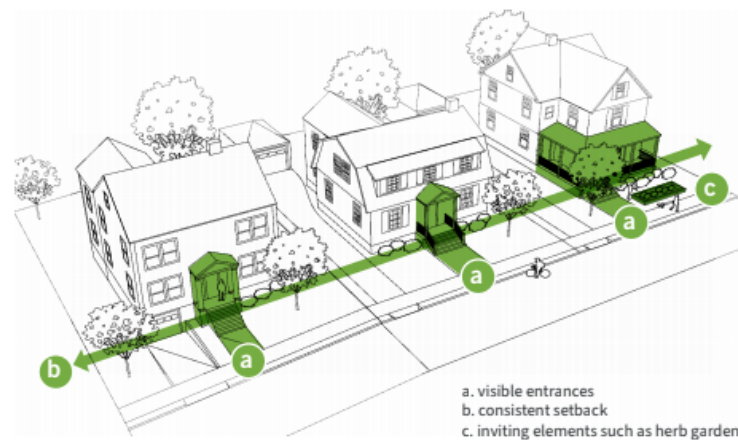
- ▶ **Neighborhood Block Categories:** Common block patterns based on lot size, width, and depth.
- ▶ **Additions:** an expansion to the original building, often built on the side, in the rear, or above the original house.
- ▶ **Streetscape:** the appearance or view of a street.
- ▶ **Non-conforming lot:** a lot or parcel that is smaller than allowed in a certain zoning subdistrict.
- ▶ **Rhythm:** Visual rhythm, just like musical rhythm, is a strong, regular, repeated pattern. In this case, it refers to the established pattern of house sizes and spacing between houses.

- A-2: New houses and significant additions should be oriented and located in a way that is consistent with their Neighborhood Block Category.

3 | Draft Design Guidelines

Principle A-2: New houses and significant additions should be oriented and located in a way that is consistent with their Neighborhood Block Category.

Front yard areas should add life to the streetscape and feel inviting.



Zoning Note: See 5.4.2 Table A for full table of dimensions. See 5.3.9 for projections (e.g., bay windows, decks) into yards.



Definition

Front yard setback is the distance between the house's front façade and the front lot line, or lot line along the street.

Encourage

- **Consistent setbacks with neighbors:** If the setbacks do not align, align it somewhere in the middle or with one of the neighboring residential buildings.

- **Greenery:** Think beyond the grass lawn, such as vegetable gardens and low-maintenance native plantings.
- **Entrance:** The primary entrance should face the street and have a separate walkway from the driveway.
- **Public-facing projections:** Porches, stoops, and bay windows help break apart the massing to create a human-scaled house.

Discourage

- **Off-street parking:** driveways should not be directly in front of the house.
- **Mechanicals:** air conditioner units and similar equipment should not be in front of the house.
- **Paved front yards.**

Block-Specific Recommendations

- **Two-Family Lot Category:** Plantings and landscaping can help make smaller yards (less than 10 feet) feel inviting.

Next Steps

- 1. Design Review Working Group review of draft Residential Design Guidelines - Early Fall 2020**
- 2. Identify review process - Fall 2020**
- 3. Design Residential Guideline Comment Period - Fall 2020**
 - a. Presentation to ARB - October 5, 2020**
 - b. Presentation to ZBA - October 27, 2020**
 - c. Comments collected through early November**
- 4. Public Workshop - December 2020**
- 5. Final Residential Design Guidelines - December 2020**



Discussion

Kelly Lynema, Senior Planner | klynema@town.arlington.ma.us



Town of Arlington, Massachusetts

Thorndike Place

ATTACHMENTS:

Type	File Name	Description
Reference Material	Thorndike_Place_Notes_from20_0911.pdf	Thorndike Place Notes from20_0911
Reference Material	ALR_Supplemental_Response_Completeness_Review_(00172191xBC4F6).pdf	ALR Supplemental Response_Completeness Review (00172191xBC4F6)



BOARD OF APPEALS
Town of Arlington
Arlington, Massachusetts 02476

51 Grove Street
Telephone (781) 316-3396

MEMORANDUM

Sept. 15, 2020

Re: Revised Hearing Schedule Discussed on Sept. 11, 2020 Coordination Call

Representatives from the Board of Appeals, the Department of Planning and Community Development, the Legal Department, and the Applicant for Thorndike Place met via conference call on Friday, Sept. 11, 2020 to review the status of the review of the comprehensive permit application. Based on comments received from the Town's peer-review engineers, BETA Group, the Applicant is proposing to revise their site plan. In order to allow review of the proposed revisions ahead of resuming hearings, the attendees agreed to the following schedule:

Sept. 22 / 29: BSC to deliver revised site plans and comparison documents to Town with distribution to Board of Appeals (ZBA), Department of Planning and Community Development (DPCD), Conservation Commission (ConComm), and BETA Group.

Oct. 1: Meeting: ConComm to review revised site plans and comparison documents and provide comments. The recommendation is to use this meeting as a working session to foster an open discussion of the proposal.

Oct. 13: Hearing: ZBA to review revised site plans, comparison documents, and comments received. Based upon comments received at this hearing, the Applicant is to proceed with detailed engineering analysis and preparation of detailed drawings.

Nov: 3: BSC to deliver detailed engineering drawings and analyses to Town with distribution to ZBA, DPCD, ConComm, and BETA Group.

Nov. 24: Hearing: ZBA to review detailed engineering drawings, analyses, and comments received.

The revised traffic study was mentioned, but a schedule for development and delivery was not discussed. It is presently on the agenda for the Nov. 10 hearing.

Christian Klein
ZBA Chair

MEMORANDUM

To: Arlington Zoning Board of Appeals
Fr: Stephanie Kiefer, Esq.
Re: Supplemental Response to Completeness Review Memo, Thorndike Place
Date: September 25, 2020

This Supplemental Response clarifies and further supplements Applicant's Completeness Review Memorandum submitted to the Board on or about March 19, 2020.

Completeness Review Summary and Supplemental Responses

The Applicant submits its responses to the Completeness Review memorandum, as revised by Attorney Witten on July 7, 2020. As reference, the Applicant has previously responded to the completeness of its Comprehensive Permit Application in March 2020. To the extent that the local regulations requested additional information that was not included within the original application submittal, the Applicant had the same within its waiver list, either seeking a full waiver or referencing that the information would be provided during the public hearing process.¹ The below supplemental response further clarifies and, where applicable, proposes submittal timeframes responsive to the Board's request.

Project Eligibility Documentation – Section 3.2.1-3.3.4²

The local regulations at Section 3.2.1 to 3.2.4 mirror the project eligibility requirements of the 40B regulations, as contained at 760 CMR 56.04(1). The Completeness Review memo (as updated July 7, 2020) asserted that the Board may question the Subsidizing Agency's findings of eligibility, specifically whether the Applicant was a limited dividend entity³, as such finding was made within the MassHousing December 5, 2015 Project Eligibility letter.

Response: 760 CMR 56.04(6) (Conclusive Nature of Determination) provides that a Subsidizing Agency's issuance of a Project Eligibility letter is "conclusive" as to whether the project and applicant have satisfied the project eligibility requirements; it states in relevant part: "[i]ssuance of a determination of Project Eligibility *shall be considered by the Board... to be conclusive evidence* that the Project and the Applicant have satisfied the project eligibility requirements of 760 CMR 56.04(1)"

¹ As referenced in the Comprehensive Permit Application, Tab 5, Applicant sought waivers from certain provisions contained in Sections 3.1, 3.2, 3.2.5, 3.2.7, 3.2., 3.2.11, 3.2.13, 3.2.14 and 3.2.15 of the local 40B regulations.

² The Section references in Applicant's response correspond to those references of the local 40B regulations referenced in the Completeness Review memo.

³ One of the project eligibility requirements is that the 40B applicant is either a public agency, a non-profit or a limited dividend entity. See 760 CMR 56.04(1)(a).

As previously submitted within the Comprehensive Permit Application (Tab 4), MassHousing issued its Project Eligibility Letter on December 5, 2015, confirming that the Applicant met the general eligibility standards under the New England Fund (“NEF”) housing subsidy program and that Applicant had entered into an “Acknowledgement of Obligations” to restrict its profits. In Finding F of the Project Eligibility letter, MassHousing confirmed that Applicant will satisfy limited dividend entity.

Preliminary Site Plans – Section 3.2.5

Under the Arlington Comprehensive Permit regulations, information to be shown on Preliminary Site Plans. The supplemental Completeness Review memorandum commented on the following subparts of Section 3.2.5:

- a) Subpart 3.2.5.1 – references that Preliminary Site Plans include existing wetland resource areas protected under the State Act and the Arlington Wetlands Protection Regulations, including floodplains. Within the supplemental Completeness Review memorandum, a comment stated “it is unclear” whether the Existing Conditions Plan (Sheet C-100 of the March 13, 2020 plan set) satisfied the condition. The brief comment did not further detail what was unclear (e.g., whether the comment questioned the delineations or whether suggested that input from the Conservation Commission was sought).
- b) Subpart 3.2.5.4 – references that significant environmental features be included on Preliminary Site Plans. The supplemental Completeness Review memorandum suggested that significant environmental features were not shown on the updated, March 13 Preliminary Site Plan.
- c) Subpart 3.2.5.5 – references that Preliminary Site Plans include proposed stormwater management. The supplemental Completeness Review memorandum commented that proposed stormwater management was not shown. on the updated, March 13 Preliminary Site Plan.
- d) Subpart 3.2.5.7 – references that proposed lighting and photometric analysis be shown on Preliminary Site plans and otherwise included. The supplemental Completeness Review memorandum commented that lighting and photometric analysis were not included.

Response: Without commenting upon the accuracy or inaccuracy of the July 7, 2020 supplemental Completeness Review’s assessment of the information contained within the revised Preliminary Site Plans (dated March 13, 2020), these comments are noted.

As informally conveyed to the Town, the Applicant will be presenting a revised project design to be presented in preliminary concept plan to the Board, BETA Group and the Conservation Commission. This revised design concept responds to comments made within the August 5 Civil/Site Peer Review comments prepared by BETA Group together with comments of the Conservation Commission, in writing and verbally by the Commission’s Chairwoman at the August 25, 2020 Board hearing. The Applicant will be submitting a revised design in its updated concept plan to the Board, the Department of Planning and Community Development, the Conservation Commission and BETA on or about August 28, 2020. The Applicant and its engineers will participate in a work session with the Conservation Commission and BETA

Group in early October (October 1) and present the modified concept plan/comparison plan document at the October 13, 2020 Board hearing. With feedback received during the Commission work session and Board hearing, Applicant will proceed to prepare detailed drawings, to include the information set out in Section 3.2.5 of the local regulations, by November 3, 2020, excepting full compliance with subpart 3.2.5.4 (significant environmental features such as ledge outcrops, scenic views and trees greater than 24" dbh). Such waiver request remains given the size of the project locus (of which only a small portion is proposed for development) and the difficulty to otherwise depict all such features over the entire undeveloped locus.

Report on Existing Site Condition – Section 3.2.6

The supplemental Completeness Review memo states generally that the site conditions report is incomplete and/or inconsistent with Section 3.2.6 requirements.

Response: As reflected by 760 CMR 56.05(2)(b) of the State 40B regulations, and/or Section 3.2.6 of the local 40B regulation, to the extent not waived, information on existing site conditions may be combined with the preliminary site plans. The submitted March 13, 2020 updated site plans included such information as to the surrounding areas, location/nature of existing buildings, wetlands, street elevations, etc. The original application also included a narrative on existing site conditions, at pp. 14-15 of the 40B Application and photographs accompanying the same.

As addressed above, revised project design plans/engineered drawings will be submitted to the Board, DPCD, Conservation Commission and BETA Group on November 3; at that time, an updated report on existing site conditions will also be submitted.

Preliminary Scaled Architectural Drawings – Section 3.2.7

The review memo generally states preliminary architectural plans are not complete and/or not consistent with local requirements, but without specificity of alleged incompleteness. The supplemental Completeness Review memorandum states that the March 2020 updated architectural drawings fail to identify construction type and exterior finish.

Response: As referenced above, upon receiving feedback informed during the upcoming October 13 public hearing on the revised project design, Applicant will submit its updated scaled architectural plans on November 3, 2020, including typical floor plans, typical elevations and sections, construction type and proposed exterior finish and such additional information as set out in Section 3.2.7, if relevant based on setbacks and building heights

Utility Plans – Section 3.2.9

The supplemental Completeness Review memo commented that utility plan information provided within the March 13, 2020 plan set was “incomplete” and/or “inconsistent,” No further information was provided as to what information was deemed incomplete and/or inconsistent.

Response: As addressed above, revised project design plans/engineered drawings will be submitted to the Board and BETA Group on November 3; an updated utility plan will be included in the November 3 submission. Applicant will review with the Project Engineer should there be any associated waiver sought under the local stormwater bylaw, low impact development guidelines or best management practices and will include the same within the updated waiver list, as may be applicable.

Recreation and Open Space Amenities – Section 3.2.10

The supplemental Completeness Review memo commented that recreational and open space amenities information provided within the March 13, 2020 plan set was “incomplete” and/or “inconsistent.” No further information was provided as to what information was deemed incomplete and/or inconsistent.

Response: As addressed above, revised project design plans/engineered drawings will be submitted to the Board and BETA Group on November 3; the submission will include the recreation and open space amenities/areas to be set aside within the locus per Section 3.2.10.

List of Exemptions – Section 3.2.11

The supplemental Completeness Review memorandum stated the updated (March 19, 2020) List of Requested Waivers did not comply with Section 3.2.11, stating that certain requests were “blanket” requests.

Response: As addressed to the Board within the public hearings on this project, a 40B project list of requested waivers is not static; instead, it becomes revised, further defined and modified based on the public hearing process and changes to the project design as may arise within such project.

760 CMR 56.05(7), states: “the Applicant may request Waivers, as listed in the application *or as may subsequently arise during the hearing*, and the Board shall grant such Waivers as are Consistent with Local Needs and are required to permit the construction and operation of the Project.” (Emphasis supplied).

The Applicant will submit a revised waiver list together with its submittal of revised project design plans/engineered drawings with the November 3, 2020 submittal. Consistent with 760 CMR 56.05(7), it should be noted that within the ongoing public hearing process, the waiver list is expected to be further revised/refined⁴.

⁴ The Applicant notes that Section 3.2.11 of the local 40B regulations is inconsistent with Chapter 40B and its regulations, as it relates to waiver requests. 760 CMR 56.05(2)(h) provides only that a list of requested waivers accompany the Comprehensive Permit Application. A Chapter 40B waiver list is not required to include a detailed analysis of each requirements, the location on the plan for which it is sought and a “complete explanation of why the exception is required to keep the project from becoming uneconomic,” as stated under Section 3.2.11 of the local

Pro Forma – Section 3.2.12

The supplemental completeness memo commented that the pro forma provided did not comply with Section 3.2.12.

Response: Under 760 CMR 56.05(2) (Elements of Submission, Filing Fees), the state regulations contain no requirement for an application to include a pro forma⁵. As a courtesy, the Applicant has previously provided the Board with a copy of the Pro Forma that accompanied its Project Eligibility application to MassHousing.

As previously addressed at the public hearings, the Board is not permitted to review a *pro forma* until much later in the public hearing process, and *only* if certain preconditions have been met. *See* 760 CMR 56.06(a) and (b), excerpted below. The Board cannot otherwise undertake review of financials. *See White Barn Lane, LLC v. Norwell Zoning Board of Appeals*, Decision, HAC Docket No. 08-05 (Decision dated July 18, 2011).

760 CMR 56.05(6) Review of Financial Statements.

- (a) A Board may request to review the *pro forma* or other financial statements for a Project *only after* the following preconditions have been met:
1. other consultant review has been completed.
 2. the Applicant has had an opportunity to modify its original proposal to address issues raised;
 3. the Board has had an opportunity to propose conditions to mitigate the Project's impacts and to consider requested Waivers; and
 4. the Applicant has indicated that it does not agree to the proposed condition(s) or Waiver denial(s) because they would render the project uneconomic. A Board may not conduct review of a *pro forma* in order to see whether a Project would still be economic if the number of dwelling units were reduced, unless such reduction is justified by a valid health, safety, environmental, design, open space, planning or other local concern that

regulation. Chapter 40B and its regulations instead provide that unless the municipality has achieved the statutory minimum (or otherwise satisfied one of the stated grounds under Section 56.03(1), in accordance with Section 56.03(8), there is a presumption that the need for Affordable Housing outweighs Local Concerns. It is noted that Arlington has not met the statutory minimum; likewise, in the appeal brought by the Board, the Housing Appeals Committee issued its Final Decision after an evidentiary hearing, holding that the Town had not satisfied the GLAM threshold. To the extent that Section 3.2.11 is not otherwise inconsistent with Chapter 40B (and therefore unavailing), Applicant will include such a waiver request with in its revised waiver list to be submitted on November 3.

⁵ This local submission requirement, requesting a *pro forma* to be submitted with a Comprehensive Permit Application, contradicts and is inconsistent with Chapter 40B and its regulations. Per 760 CMR 56.05, a Board may only adopt rules, "not inconsistent with" Chapter 40B. Section 3.2.12 is inconsistent with Chapter 40B's implementing regulations at 760 CMR 56.06(a) and 56.06(b), which regulations detail the preconditions that must be met before the Board can request the Applicant to submit a *pro forma*.

directly results from the size of a project on a particular site, consistent with 760 CMR 56.07(3)⁶.

(b) If the Applicant does not agree to some or all of the proposed permit conditions or Waiver denials because they would render the Project Uneconomic, [then] the Board may ask that the Applicant submit its *pro forma*, in form satisfactory to the Subsidizing Agency, and revised as necessary to reflect the additional cost of meeting those conditions and/or denials...

Notwithstanding this objection to the conflict between Chapter 40B regulations and cases decided thereunder, and without waiving any rights to object thereto, the updated waiver list will continue to include a waiver of the submittal of a pro forma prior to the satisfaction of the preconditions under 760 CMR 56.06(a) and (b). as part of the application.

Impact Analysis (Environmental and Municipal Facilities)– Section 3.2.13 and 3.2.15

The supplemental Completeness Review memo asserts that the impact analysis is incomplete.

Response: An impact analysis as described in Section 3.2.13 and 3.2.15 of the local 40B regulations are not otherwise required as part of a Comprehensive Permit regulations at 760 CMR 56.05. The Applicant specifically requested a waiver of the timing of such analysis. In light of the updated schedule contemplated with a revised project design, the submission of an environmental and municipal facilities analysis will be better informed as to project revisions (and related impact on the natural and built environment) subsequent to the November 24, public hearing. The Applicant suggests providing its impact analysis reports⁷ within 45 days after the November 24, 2020 hearing for the Board and BETA Group peer review.

Traffic Impact Analysis – Section 3.2.14

The supplemental Completeness Review memo notes the date of the Traffic Impact Access Study (April 2014) has not been updated.

Response: Applicant will work with BETA Group as to acceptable parameters on the updated traffic study. Once the traffic professionals have reached agreement on methodology/scope of review, an updated traffic impact analysis will be submitted within 30 days thereafter to the Board and BETA Group for peer review. The timing of the submittal of the traffic study is expected to be clarified on or before the next Board hearing, on October 13.

⁶ 760 CMR 56.07(3)(a) provides that within an appeal, where a municipality has failed to satisfy the grounds of 56.03(1), there is a rebuttable presumption that the need for affordable housing outweighs Local Concerns. As stated in 760 CMR 56.05(4) (Scope of Board Hearing), “in the conduct of a [board] hearing, the Board should make itself aware of the detailed provisions for burden of proof and evidence” as set forth in 760 CMR 5.07(2) and (3), that the Committee would apply to the appeal of a Board decision.

⁷ Applicant’s updated waiver list to be submitted in November likewise may include waiver of certain details described in 3.2.13 and 3.2.15; in such event, the updated waiver list will reflect such waiver request.

Statement of Demonstration of Compliance with Master Plan/Open Space Plan – Section 3.2.16

The supplemental Completeness Review memo states that such statement is incomplete.

Response: As noted previously, the application included a statement as to consistency with sustainable development principles as found at Pages 23-25 of the Comprehensive Permit Application. Together with the revised design engineered drawings, to be submitted on November 3, 2020, Applicant will also file a statement of compliance with Master Plan/Open Space plan.

Roster of Development Team Members – Section 3.2.17

The supplemental completeness memo recognized that the March 19, 2020 submittal updated the development team members.

List of Abutters/Copies of Application – Section 3.2.18

The supplemental completeness comments that compliance with Section 3.2.18 was “incomplete” but does not detail what is incomplete.

Response: The Applicant submitted the requisite copies (including both sizes of plans and form of media) of the Comprehensive Permit Application to the Town Clerk on September 1, 2016. Further, the certified abutters list is contained at Tab 11 of the Comprehensive Permit Application. Applicant will submit revised engineered plans by November 24, and will include the number of sets (full sized, reduced, digital) as may be requested by the Board.



Town of Arlington, Massachusetts

Application - Information Forms - FINAL (for approval)

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Application_-_Information_Forms_-_FINAL.docx	Application - Information Forms - FINAL

TOWN OF ARLINGTON
 Dimensional and Parking Information
 For Applications to the Zoning Board of Appeals

1. Property Location: _____ Zoning District: _____

2. Present Use/Occupancy: _____ No. of dwelling units _____

3. Existing Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
 _____ Sq. Ft.

4. Proposed Use/Occupancy: _____ No. of dwelling units _____

5. Proposed Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
 _____ Sq. Ft.

- 6. Lot size (Sq. Ft.)
- 7. Frontage (Ft.)
- 8. Floor area ratio
- 9. Lot Coverage (%)
- 10. Lot Area per Dwelling Unit (Sq. Ft.)
- 11. Front Yard Depth (Ft.)
- 12. Left Side Yard Depth (Ft.)
- 13. Right Side Yard Depth (Ft.)
- 14. Rear Side Yard Depth (Ft.)
- 15. Height (Stories)
- 16. Height (Ft.)
- 17. Landscaped Open Space (Sq. Ft.)
Refer to Section 2 in the Zoning Bylaw.
- 17A. Landscaped Open Space (% of GFA)
- 18. Usable Open Space (Sq. Ft.)
Refer to Section 2 in the Zoning Bylaw.
- 18A. Usable Open Space (% of GFA)
- 19. Number of Parking Spaces
- 20. Parking area setbacks (if applicable)
- 21. Number of Loading Spaces (if applicable)
- 22. Type of construction
- 23. Slope of proposed roof(s) (in. per ft.)

Present Conditions	Proposed Conditions	Min. or max Required by Zoning
		min.
		min.
		max.
		max
		min.
		min.
		min.
		min.
		max.
		max.
		min.
		min.
		min.
		min.
		N/A
		min.

TOWN OF ARLINGTON
Open Space / Gross Floor Area Information
For Applications to the Zoning Board of Appeals

Refer to Section 2: *Definitions*, and Section 5: *District Regulations* in the Zoning Bylaw of the Town of Arlington before completing this form.

Address: _____

Zoning District: _____

OPEN SPACE*

EXISTING

PROPOSED

Total lot area

Open Space, Usable

Open Space, Landscaped

* Refer to the Definitions in Section 2 of the Zoning Bylaw.

GROSS FLOOR AREA (GFA) †

Accessory Building

Basement or Cellar (meeting the definition of Story,
excluding mechanical use areas)

1st Floor

2nd Floor

3rd Floor

4th Floor

5th Floor

Attic (greater than 7'-0" in height, excluding
elevator machinery, or mechanical equipment)

Parking garages (except as used for accessory
parking or off-street loading purposes)

All weather habitable porches and balconies

Total Gross Floor Area (GFA)

† Refer to Definition of Gross Floor Area in Section 2 and Section 5 of the Zoning Bylaw.

REQUIRED MINIMUM OPEN SPACE AREA

Landscaped Open Space (Sq. Ft.)

Landscaped Open Space (% of GFA)

Usable Open Space (Sq. Ft.)

Usable Open Space (% of GFA)

This worksheet applies to plans dated _____ designed by _____

Reviewed with Building Inspector: _____ Date: _____



Town of Arlington, Massachusetts

Application - Request for Special Permit - FINAL (for approval)

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Application_-_Request_for_Special_Permit_-_FINAL.docx	Application - Request for Special Permit - FINAL

REQUEST FOR SPECIAL PERMIT

TOWN OF ARLINGTON

In the matter of the Application of _____
to the Zoning Board of Appeals for the Town of Arlington:

Application for a Special Permit is herewith made, in accordance with Section 3.3 of the Zoning Bylaw of the Town of Arlington, Massachusetts, seeking relief from the following specific provisions of the Zoning Bylaw, and as described fully in the attached form, *Special Permit Criteria*:

The Applicant states he/she/they is/are the owner/occupant of the land in Arlington located at _____ with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals upon a similar petition regarding this property within the two (2) years next immediately prior to the filing hereof. The applicant expressly agrees to full compliance with any and all conditions and qualifications imposed upon this permission, whether by the Zoning Bylaw or by the Zoning Board of Appeals, should the same be granted. The Applicant represents that the grounds for the relief sought are as follows:

E-Mail: _____ Signed: _____ Date: _____

Telephone: _____ Address: _____

Special Permit Criteria: Per Section 3.3.3 of the Zoning Bylaw, a Special Permit shall only be granted upon the Board's determination that the benefits of the proposed project will outweigh its adverse effects. The responses provided below will inform the Board as to whether the standards for approval have been met.

A). Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made or is so designated elsewhere in the Zoning Bylaw.

B). Explain why the *requested use is essential or desirable to the public convenience or welfare.*

C). Explain why *the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

D). Explain why *the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

E). Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.

F). Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

G). Explain why *the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*



Town of Arlington, Massachusetts

Application - Request for Variance - FINAL (for approval)

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Application_-_Request_for_Variance_-_FINAL.docx	Application - Request for Variance - FINAL

REQUEST FOR VARIANCE
TOWN OF ARLINGTON

In the matter of the Application of _____
to the Zoning Board of Appeals for the Town of Arlington:

Application for a Variance is herewith made, in accordance with Section 3.2 of the Zoning Bylaw of the Town of Arlington, Massachusetts seeking relief from the following specific provisions of the Zoning Bylaw, and as described more fully in the attached form, *Variance Criteria*:

The Petitioner/Applicant states he/she/they is/are the owner-occupant of the land in Arlington located at _____ with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals upon a similar petition regarding this property within the two (2) years next immediately prior to the filing hereof. The applicant expressly agrees to full compliance with any and all conditions and qualifications imposed upon this permission, whether by the Zoning Bylaw or by the Zoning Board of Appeals, should the same be granted. The Applicant represents that the grounds for the relief sought are as follows:

E- Mail: _____ Signed: _____ Date: _____
Telephone: _____ Address: _____

Variance Criteria:

The power of the Board of Appeals to grant a Variance from the literal application of the Zoning Bylaw is strictly limited by State Law. Under MGL, Chapter 40a, Section 10, the Board of Appeals must “specifically find” for a particular piece of land or a specific structure that “owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ... by-law would involve substantial hardship, financial or otherwise, to the petitioner ... , and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.” (emphasis added.)

Thus, Under State Law, a Variance may only be granted when **all of the four (4) following criteria are met:**

1). Describe the circumstances relating to the soil conditions, shape, or topography especially affecting such land or structures but not affecting generally the Zoning District in which it is located that would substantiate the granting of a Variance.

2). Describe how a literal enforcement of the provisions of the Zoning Bylaw, specifically relating to the circumstances affecting the land or structure noted above, would involve substantial hardship, financial or otherwise, to the Petitioner or Appellant.

3). Describe how desirable relief may be granted without substantial detriment to the public good.

4). Describe how desirable relief may be granted ... without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw of the Town of Arlington, Massachusetts.

State Law (MGL Chapter 40a, Section 10) requires that the Zoning Board of Appeals must find that all four (4) criteria are met in order to be authorized to grant a Variance. If any one of the standards is not met, the Board must deny the Variance.



Town of Arlington, Massachusetts

Docket # 3594: 72-74 Grafton Street

ATTACHMENTS:

Type	File Name	Description
Reference Material	Plan_72-74_Grafton_Street.pdf	Plan 72-74 Grafton Street
Reference Material	72-74_Grafton_Special_Permit_as_filed_108727_7_29_2019.pdf	72-74 Grafton Special Permit as filed 108727_7_29_2019
Reference Material	72-74_Grafton_from_Rear_(in_background).pdf	72-74 Grafton from Rear (in background)
Reference Material	ZBA_Package__72-74_Grafton_Street_(9_29_hearing).pdf	ZBA_Package__72-74_Grafton_Street_(9_29_hearing)

CPS

COMMONWEALTH OF MASSACHUSETTS TOWN CLERK'S OFFICE
ARLINGTON, MA 02178

MIDDLESEX, SS

2019 JUN 28 AM 10:40

ZONING BOARD OF APPEALS
ARLINGTON, MASSACHUSETTS

RECEIVED



2019 00108727

Bk: 73002 Pg: 34 Doc: DECIS
Page: 1 of 7 07/29/2019 08:26 AM

In the matter of:

72-74 GRAFTON STREET
ARLINGTON, MASSACHUSETTS

72-74 GRAFTON STREET, LLC
Petitioner

)
)
)
)
Docket No. 3594

Owner: 72-74 Grafton Street LLC
Title Reference: Book 72006, Page 120

PETITION FOR SPECIAL PERMIT

HEARING DATE: June 25, 2019
DECISION: June 25, 2019

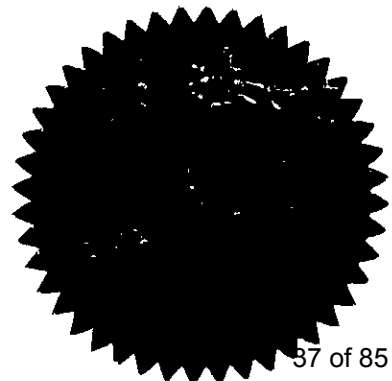
I hereby certify this is a True Copy of the Decision of
the Arlington Zoning Board of Appeals as filed with the
Office of the Town Clerk of the Town of
Arlington, Massachusetts on
and that 20 days have elapsed after the Decision and no
Appeal has been filed. ATTEST:

DECISION OF THE BOARD

Date of Issue July 22, 2019 Town Clerk

Stephane L. Lucarelli

Patrick Quinn, Chair
Christian Klein, Vice Chair
Roger DuPont, Esq.
Shawn O'Rourke, Esq.
Kevin Mills



STATEMENT OF PROCEEDINGS

The Petitioner, 72-74 Grafton Street, LLC is the owner of the real estate located at 72-74 Grafton Street, Arlington, Massachusetts and seeks a Special Permit with respect to the provisions of Section 8.1.3, further subsection B of the zoning bylaw for the purpose of constructing an addition to an existing two family building located at 72-74 Grafton Street, Arlington, Massachusetts.

Petitioner's requested relief requires a special permit in light of the fact that the property does not conform to the useable open space requirement of the zoning bylaw which requires 30% and Petitioner's lot has 0 open space.

The following documents were submitted to the Zoning Board at the hearing:

1. Plan of Land in Arlington, Mass. 72 Grafton Street Survey by PFS Land Surveying, dated September 27, 2018;
2. Plans of Context, a collaborative design workshop, regarding 72-74 Grafton Street dated December 19, 2018, consisting of Pages A01, A-10, A-30, XA-1 and X-A2;
3. Memorandum of Law and Fact by Attorney Robert J. Annese representing the Petitioner; and
4. Memorandum of Jennifer Raitt, Director, Department of Planning and Community Development, dated April 8, 2019.

Legal notice was provided in the Arlington Advocate for two (2) consecutive weeks, with the notice indicating that a hearing would be held on Tuesday, May 28, 2019 and further continued until Tuesday, June 25, 2019 at the Arlington Town Hall Annex at 7:45 p.m.

The Petitioner acquired title to the real estate on December 8, 2018.

The real estate is located in an R2 zone as defined within the zoning bylaw for the Town and was initially constructed in 2014.

The lot area contains 4,950 square feet and the minimum required for zoning is 6,000 square feet.

The property is nonconforming with respect to frontage containing 55 feet while zoning requires 60 feet and it is also nonconforming with respect to lot area and front yard setback which is 10.9 feet while zoning requires 25 feet and the right side yard setback which contains 6.9 feet while zoning requires 10 feet.

The rear side setback is 25 feet which exceeds the 20 foot minimum rear yard setback contained within the substance of the zoning bylaw.

The height will be 2.5 stories and 31.6 feet both of which calculations comply with the provisions of the zoning bylaw.

The property lacks useable open space and the proposed new construction will consist of 463 square feet with the existing total gross floor area of the building being 4,338 square feet and the proposed being 4,801 square feet.

The square feet of the basement, first floor and second floor will remain unchanged and the addition will occur in a half story in the attic area of the existing building which is 300 square feet and will increase to 763 square feet.

Petitioner's plans show two parking spaces at the property and the plans indicate that the proposed addition will not exceed a half story so that the building plans will not contravene the provisions of the zoning bylaw.

The building inspector has determined that the dormer area will be subject to a 7 foot 3 inch floor to ceiling height, rather than a 7 foot floor to ceiling height as contained in the recent Zoning Amendment passed at Arlington Town Meeting.

A direct abutter to the property, located at 68 Grafton Street appeared at the hearing and registered a concern about the height of the addition and was informed that the height of the addition would need to be in compliance with the provisions of the zoning bylaw and could not exceed the half story requirement contained in the zoning bylaw.

The abutter also raised a concern about the effects of possible sun glare off of windows facing his building and there was discussion about that fact that the building department could contain a condition with respect to issuance of the building permit that the dormer windows facing the abutting home contain an anti-glare application.

There was also discussion with the abutter about the fact that the balance of the building could be constructed "of right" and that there would be no need for zoning relief with respect to the construction of the building beyond the relief sought for the dormer.

The provisions of Section 8.1.3 of the Zoning Bylaw provide in part in Section B as follows:

"No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of said structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood."

FINDINGS OF FACT AND DECISION OF THE BOARD

The Zoning Board made the following findings of fact following the close of the hearing in accordance with the Special Permit criteria contained within the substance of the Zoning Bylaw:

1.) Indicate where the use requested is listed in the Table of Use Regulations as a Special Permit in the district for which the application is made or is so designated elsewhere in the Arlington Zoning Bylaw.

See Section 8.1.3 of the zoning bylaw.

2.) Describe how the requested use is essential or desirable to the public convenience or welfare.

Petitioner is requesting a Special Permit to construct an addition to the existing nonconforming building which would add additional living space to the residential building but not cause an undue burden to the Town's services or adversely impact neighboring properties

3.) Describe how the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The requested use will not create undue traffic congestion, or unduly impair pedestrian safety as the building will continue to be used as it has been used in the past.

4.) Describe how the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

The requested use will not overload any public water, drainage or sewer system or any other municipal system as once again; the building will continue to be used as it has been used historically.

5.) Describe how any special regulations for the use, set forth in Article 11, are fulfilled.

The special regulations for the use, set forth in Article 11, are fulfilled

6) Describe how the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The proposed use will not impair the integrity and character of the district or adjoining districts and will not be detrimental to the health, morals or welfare of the

inhabitants in the neighborhood of the property but rather will fit with other homes in the neighborhood of the Petitioner's building.

In addition, the proposed addition will not increase the nonconforming nature of the building to such a degree that the resulting use would be substantially different than the preexisting use in its effect in the neighborhood where the property is located.

7.) Describe how the requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The requested use will not by its addition to the neighborhood cause an excess of that particular use that could be detrimental to the character of the neighborhood.

At the close of the Hearing a motion was made and seconded and the Board voted unanimously to grant the Petitioner a Special Permit in accordance with the provisions of Section 8.1.3 of the Arlington Zoning Bylaw subject to the following conditions:

Provide a sealed attic floor plan indicating and dimensioning the area(s) of the proposed attic floor meeting the height requirements of a Half Story per Section 2 of the Zoning Bylaw of the Town of Arlington, including the required calculation confirming compliance with the Half Story requirements to the Inspectional Services Department for review and approval.

Provide a signed statement to the Inspectional Services Department which confirms the minimum slope of roofs above attic areas considered for a Half Story does not exceed a 2:12 pitch.

The Arlington Zoning Board of Appeals shall continue to maintain jurisdiction with respect to this granting of a Special Permit.

There shall be no deviation during construction from the approved plans and specifications without the express written approval of the Arlington Zoning Board of Appeals.

Pitch will meet or exceed 2/12.

Glazing coating will be used to protect against adverse reflection on adjoining properties.

The Petitioner is to submit an As Built plan to the Building Inspection Department showing that the construction of the dormer will not contravene the provisions of the Zoning Bylaw with respect to the addition being in excess of a half story.

The Petitioner shall consult with the Building Department with respect to having an anti-sun glare application to the dormer windows facing the abutting property located at 68 Grafton Street.

The final plans and specifications approved by the Board for the permit shall be the final plans and specifications submitted to the Building Inspector of The Town of Arlington in connection with this application for zoning relief. There shall be no deviation during construction from approved plans and specifications without the express written approval of the Arlington Zoning Board of Appeals.

The Building Inspector is hereby notified that he is to monitor the site and should proceed with appropriate enforcement procedures at any time he determines that violations are present and the Inspector of Buildings shall proceed under Section 10.09 of the Zoning Bylaw, under the provisions of Chapter 40A Section 21D, and institute non-criminal complaints. If necessary, the Inspector of Buildings may also approve and institute appropriate criminal action, also in accordance with Section 10.09.


The Board hereby makes a detailed record of all its proceedings relative to this appeal; sets forth the reasons for its decision and finding; directs that this record be filed in the office of the Redevelopment Board and in the office of the Town Clerk and shall be a public record, and that notice of this decision be made forthwith to each party in interest. Appeals to this decision, if any, shall be made pursuant to Section 17 of the Zoning Act (Massachusetts General Laws, Chapter 40A), and shall be filed within twenty days after the date of filing of such decision in the Office of the Town Clerk.


 Patrick Quinn, Chair


 Christian Klein, Vice Chair


 Roger DuPont


 Kevin Mills


 Shawn O'Rourke

I hereby certify this is a True Copy of the Decision of
the Arlington Zoning Board of Appeals as filed with the
Office of the Town Clerk of the Town of
Arlington, Massachusetts on
and that 20 days have elapsed after the Decision and no
Appeal has been filed. ATTEST:

Date of Issue July 22, 2019 Town Clerk

Stephane L. Lucarelli





Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

CONTINUED HEARING

Notice is herewith given in accordance with the provisions of Section 3.2.3A of the Zoning Bylaws that there has been filed by 72-74 Grafton Street, LLC of Somerville Massachusetts on June 25, 2020 a petition seeking permission to alter their property located at **72-74 Grafton Street - Block Plan 027.0-0001-0013.0**. Said petition would require a Special Permit under **Section 8.1.3 (B) (Nonconforming Single-Family or Two-Family Dwellings)** of the Zoning Bylaw for the Town of Arlington.

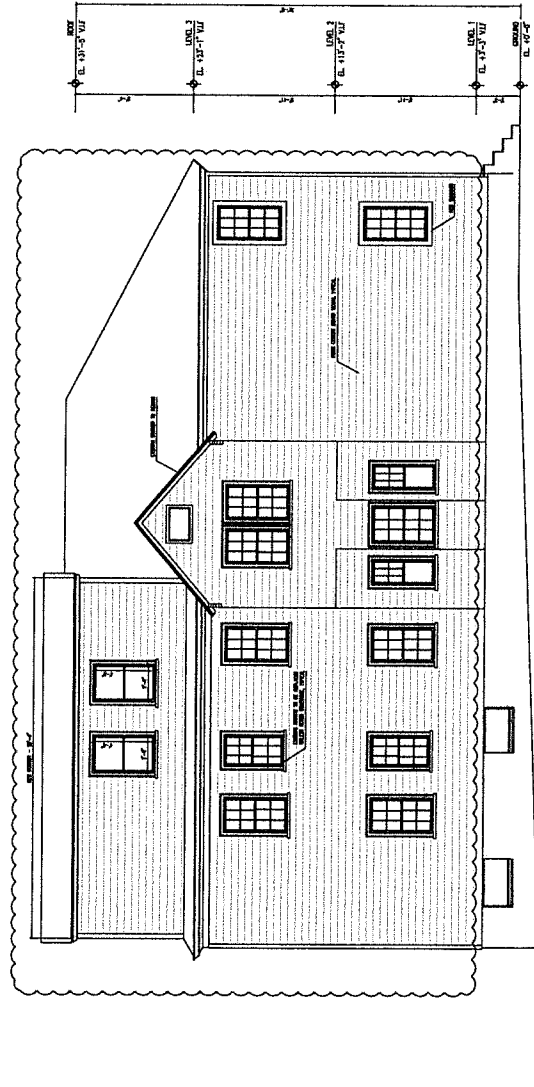
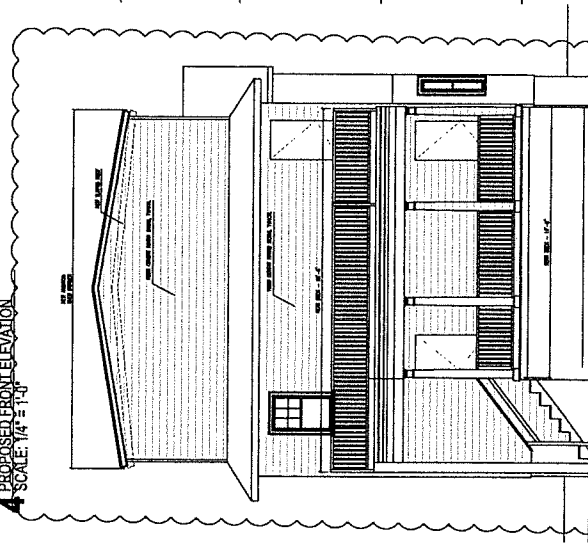
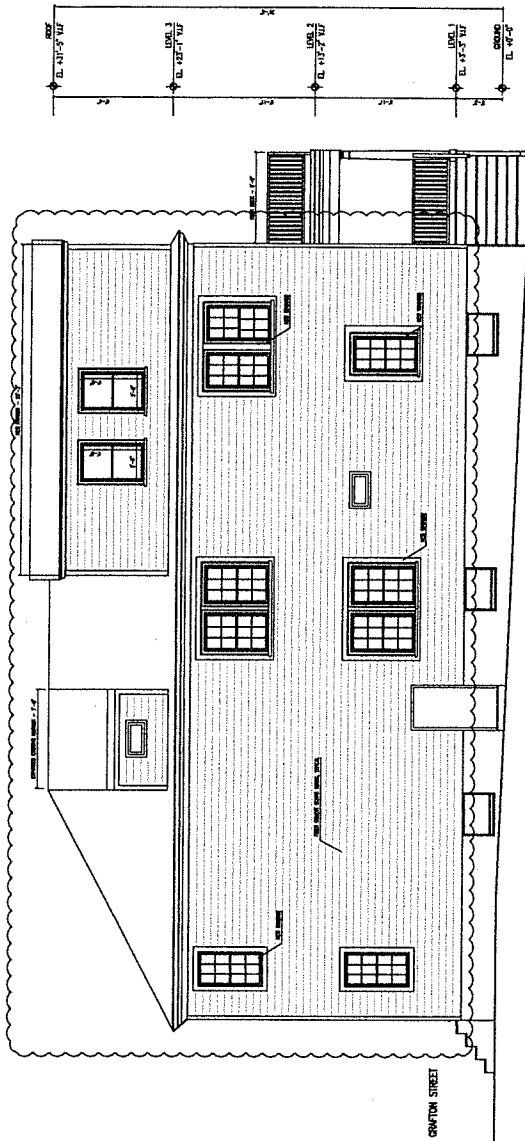
This Special Permit was granted on June 25, 2020. Because of a Building Code issue with respect to ceiling height over a stairway, the plans had to be modified to comply with this section of the Building Code.

Hearing in regard to the said petition will be remotely conducted via "Zoom" **Tuesday evening, September 29, 2020 at 7:30 P.M or as soon thereafter as the petitioner may be heard. Please visit the Town of Arlington website for hearing information.**

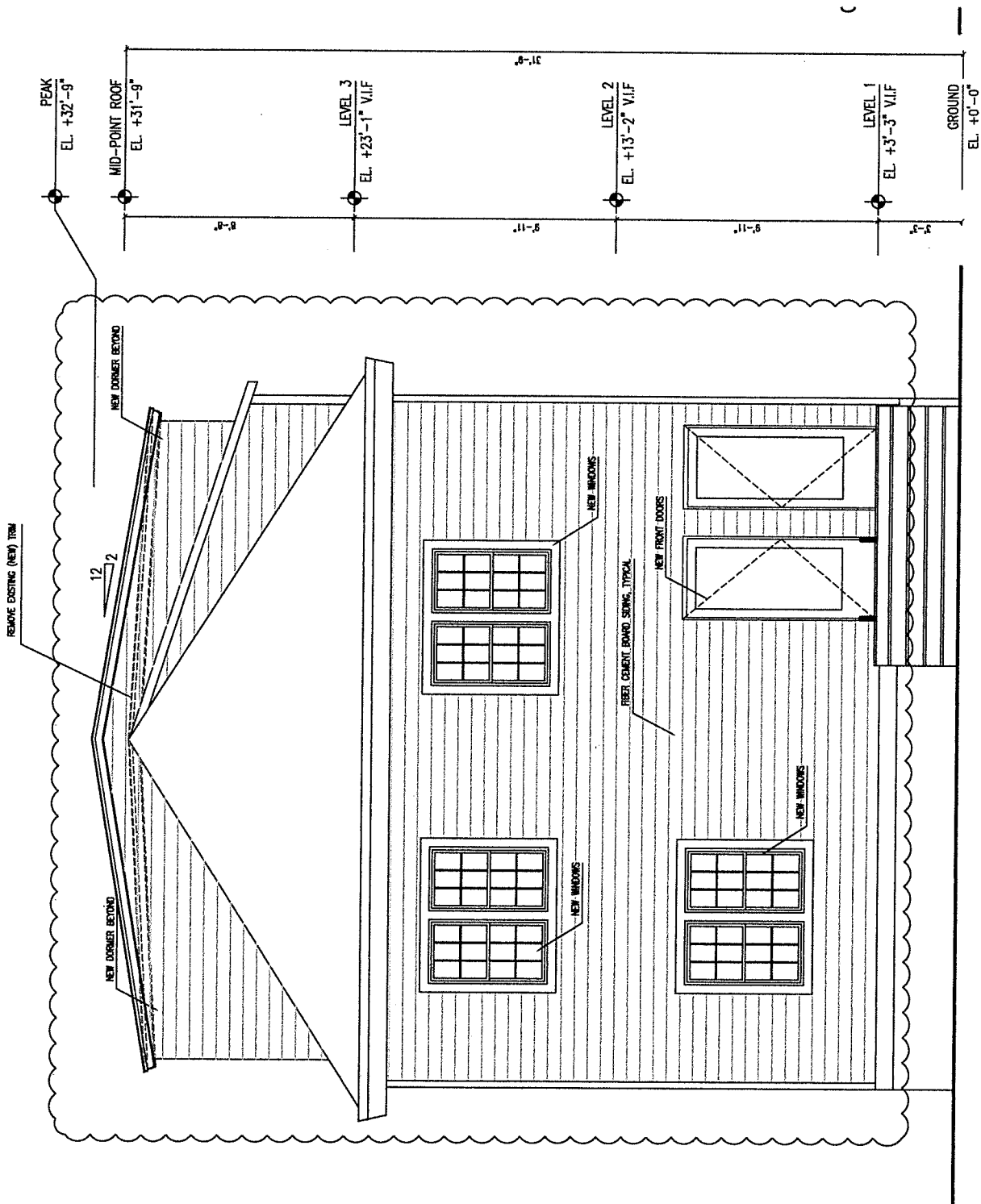
DOCKET # 3594

Zoning Board of Appeals
Christian Klein, RA, Chair

Architectural drawing of a house with a gabled roof and a porch. The drawing includes dimensions for the roof pitch (12/12), the porch height (6' 0"), and the overall height (12' 0"). The drawing is labeled "HOUSE PLAN 12" and "HOUSE PLAN 12".



Remove the 2/12 Roof Pitch



4 PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"

To the Zoning Board of Appeals,

On April 7, 2020 Inspectional Services was notified that an Arlington resident had concerns that the project at 72-74 Grafton Street was not in accordance with the specifications of their special permit which had been approved by the Zoning Board of Appeals on June 25th, 2019. The resident stated that he did not believe that the roof met the minimum 2/12 pitch which had been required by the Zoning Board of Appeals as a condition of the Board's approval. Upon notification I performed a site visit, spoke with the contractor, and observed the areas in question. It was at this time that I realized a small dormer had been built on the side of the house that was not included in the drawings which had been approved in June. The contractor informed me that the small dormer was built because the approved plans did not allow enough headroom in the stairway to meet the requirements of the 2015 International Residential Building Code as specified in section R311.7.2. At this time, I requested a new set of drawings that would represent the current conditions.

Upon receiving the new drawings, I performed a review to identify any areas of construction that exceeded or differed from the specifications of the special permit. At the completion of my review I came to the following conclusions.

Roof Pitch

- As-Built drawing to be presented showing final dormer roof pitch

Additional Dormer

- The additional dormer constructed was necessary to meet the regulations of the 2015 International Residential Building Code.
- According to the plans submitted to Inspectional Services the additional dormer does not put the addition in excess of a half story.





Town of Arlington, Massachusetts

Docket # 3605: 150 Summer Street

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	ZBA_Package__150_Summer_Street.pdf	ZBA Package, 150 Summer Street



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.3A of the Zoning Bylaws that there has been filed by 150 Summer Street LLC of Bolton Massachusetts on June 25, 2020 a petition seeking permission to alter their property located at **150 Summer Street - Block Plan 068.0-0003-0002.0**. Said petition would require a Special Permit under **Section 8.1.3 (B) (Nonconforming Single-Family or Two-Family Dwellings)** of the Zoning Bylaw for the Town of Arlington.

This Special Permit was granted on September 24, 2020 with conditions. The Petitioner would like the Board to reconsider the condition with respect to the "Driveway paving must comply with the rules and regulations according to the Zoning Bylaw".

Hearing in regard to the said petition will be remotely conducted via "Zoom" **Tuesday evening, September 29, 2020 at 7:30 P.M or as soon thereafter as the petitioner may be heard. Please visit the Town of Arlington website for hearing information.**

DOCKET NO 3605

Zoning Board of Appeals

Christian Klein, RA, Chair

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

TOWN CLERK'S OFFICE
ARLINGTON, MA 02174

2019 SEP 30 AM 10:24

**ZONING BOARD OF APPEALS
ARLINGTON, MASSACHUSETTS**

RECEIVED

In the matter of:

150 SUMMER STREET)
ARLINGTON, MASSACHUSETTS)
)
Chung Mou Wong)
Petitioner)

Docket No. 3605

PETITION FOR SPECIAL PERMIT

HEARING DATE: September 24, 2019
DECISION: September 27, 2019

DECISION OF THE BOARD

Patrick Quinn, Chair
Roger DuPont, Esq.
Kevin Mills
Joseph Moen, Esq.
Patrick Hanlon

The Petitioner, Chung Mou Wong, applied for a Special Permit under Section 8.1.3 (C) of the Zoning Bylaw for the Town of Arlington, seeking permission to increase the gross floor area of his property located at 150 Summer Street by way of a dormer addition. The property is located in an R-2 zoning district and the lot upon which the building is located is 5,427 square feet. Legal notice was provided in the Arlington Advocate for two consecutive weeks, with the petition advertised as a Special Permit under 8.1.3 (C) of the Zoning Bylaw. A hearing was held at the Arlington Senior Center Building located at 27 Maple Street on September 24, 2019. At the onset of the meeting, it was noted that the hearing was being recorded.

The following documents were submitted by the Applicant prior to the September 24 hearing:

- 1) Request for Special Permit.
- 2) Town of Arlington Dimensional and Parking Information for application to the Zoning Board of Appeals.
- 3) Open Space/Gross Floor Area Worksheet dated June 25, 2019 prepared by Alvin Wong.
- 4) Certified Plot Plan dated May 7, 2019 by Bradley J. Simonelli, PLS.
- 5) Drawings by Nunes, Trabucco Architects dated May 24, 2019: D-1, Demolition Plan, A1A-3 Existing and Proposed Floor Plans, S-1 - S-2 Structural Details and Framing Plans. Architectural Drawings, and S.1 - S.2, Structural Drawings. It was noted that the new drawings reflect the new Zoning Bylaw change that reduced the attic area to 7'0" .
- 6) A Memorandum dated September 17, 2019 from Jennifer Raitt, Director of Planning and Community Development suggesting that the request meets the criteria for a Special Permit and supports the project. (see entire memo for details)

At the September 24 hearing, Mr. Edward Nunes, Architect for the petitioner, appeared before the Board. Mr. Nunes detailed the proposed work which included the construction of a dormer on the east side of the structure. The dormer would increase the gross floor area of the structure by 535 square feet and would require a Special Permit due to lack of Usable Open Space. Mr. Nunes explained that the proposed construction would not further violate any of the Zoning By-law requirements with respect to Dimensional and Density Regulations.

Mr. DuPont was not in receipt of the revised plans and was quickly brought up to speed as to what the revisions were and how they impacted the request. Mr. Mills wanted to know how close the proposed construction would be to the abutting properties. It was pointed out that the proposed construction would also include the expansion of two existing porches. Mr. Mills commented that this request was not unlike the many properties in town that would like to expand but lack open space. Although the lot was small in size, the parking requirement was satisfied and with the minor porch expansions the lot coverage was still well in the limits required by the Zoning Bylaw.

The Plans submitted indicated that the existing front yard depth is non-conforming at 12.1 feet and would remain non-conforming at 12.1 feet. The proposed alterations would increase the existing gross floor area from 3,282 square feet to 3,916 square feet (+634 Sq Ft). The increase in Gross Floor Area would not exceed the half story regulation.

FINDINGS OF FACT AND DECISION OF THE BOARD

The Board finds that the construction is in harmony with other structures and uses in the vicinity.

In order for the Zoning Board to grant the Applicant's Special Permit request in accordance with Section 3.2.3A as well as Section 8.1.3 (C) of the Zoning Bylaw relating to Nonconforming Single-Family or Two-Family Dwellings, the Board makes the following findings:

1. The use requested is listed in the Table of Use Regulations as a Special Permit in the district for which application is made or is so designated elsewhere in this Bylaw.
2. The use is desirable to the public convenience or welfare;
3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
4. The requested use will not overload any public water drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
5. Any special regulations for the use, set forth in Section 8, are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.
7. The requested use will not, by its addition to the neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood

At the close of the Hearing, the Board voted to approve the Applicant's request for a Special Permit with respect to the provisions of Section 8.1.3 (C) of the Arlington Zoning Bylaw with all five members present voting in favor. Special Conditions of this grant of zoning relief are as follows:

- 1) Driveway paving must comply with the rules and regulations on the Zoning Bylaw.**

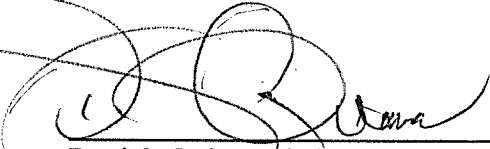
The final plans and specifications approved by the Board for the permit shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with this application for zoning relief. There shall be no deviation during construction from approved plans and specifications without the express written approval of the Arlington Zoning Board of Appeals.


The Building Inspector is hereby notified that he is to monitor the site and should proceed with appropriate enforcement procedures at any time he determines that violations are present and the Inspector of Buildings shall proceed under Section 3 of the Zoning Bylaw, under the provisions of Chapter 40A Section 21D, and institute non-criminal complaints.

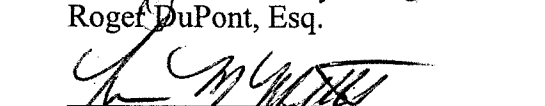
If necessary, the Inspector of Buildings may also approve and institute appropriate criminal action, also in accordance with Section 3.

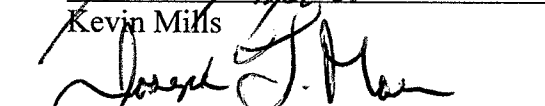
The Board shall maintain continuing jurisdiction with respect to this Special Permit grant.

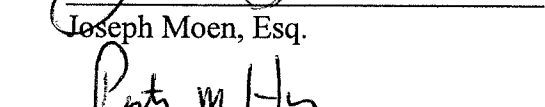
The Board hereby makes a detailed record of all its proceedings relative to this appeal; sets forth the reasons for its decision and finding; directs that this record be filed in the office of the Redevelopment Board and in the office of the Town Clerk and shall be a public record, and that notice of this decision be made forthwith to each party in interest. Appeals to this decision, if any, shall be made pursuant to Section 17 of the Zoning Act (Massachusetts General Laws, Chapter 40A), and shall be filed within twenty days after the date of filing of such decision in the Office of the Town Clerk.


Patrick Quinn, Chair


Roger DuPont, Esq.


Kevin Mills


Joseph Moen, Esq.


Patrick M. Hanlon



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development/kl
Date: 9/17/2019
RE: Docket 3605 – 150 Summer Street; Special Permit under Zoning Bylaw Section 8.1.3
(Nonconforming Single-Family or Two-Family Dwellings)

The applicant, Chung Mou Wang, seeks a Special Permit in accordance with Section 8.1.3 (Nonconforming Single-Family or Two-Family Dwellings) of the Zoning Bylaw. The applicant is seeking to construct an addition of a 535 square foot dormer and expansion of two existing porches, increasing the total square feet of the structure from 3,282 square feet to 3,916 square feet (+634 square feet).

The pre-existing home is nonconforming with the current Zoning Bylaw's lot area, frontage, front and right side yard setbacks, and usable open space. The proposed addition would not increase the existing nonconformities of the structure. The following is an application of the Special Permit criteria (Zoning Bylaw Section 3.3.3):

Criterion #1: Requested Use

The requested use is permitted in the R-2 Zoning District through the granting of a special permit.

Criterion #2: Public Convenience/Welfare

This proposal would provide additional living space.

Criterion #3: Undue Traffic Congestion/Impairment of Public Safety

There would not be an increase in traffic congestion or an impairment of public safety.

Criterion #4: Undue Burden on Municipal Systems

There would not be an undue burden on municipal systems.

Criterion #5: Special regulations

This proposal would not result in the need for special regulations.

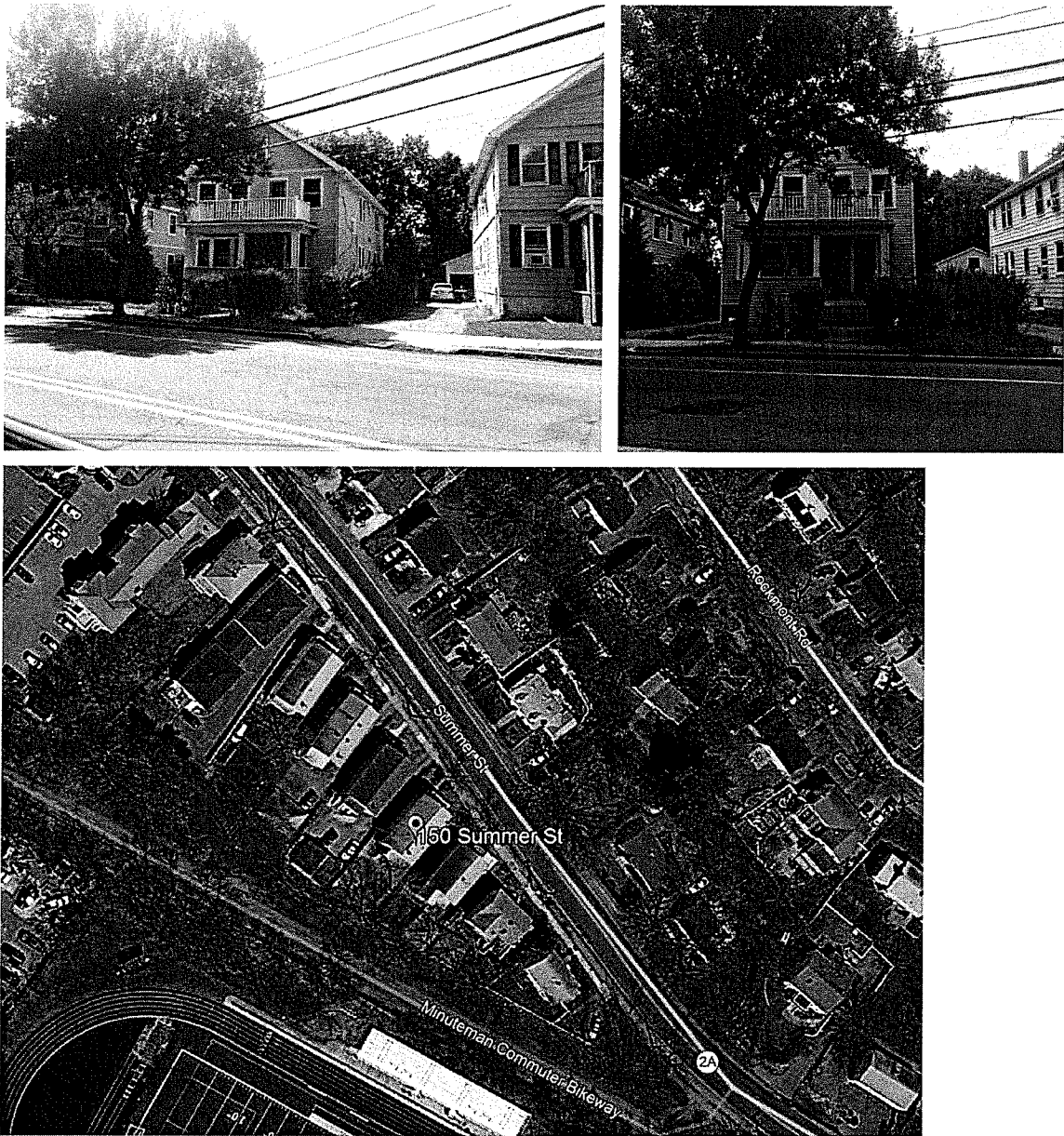
Criterion #6: Integrity/Character of District; Detrimental to Health, Morals, Welfare

The proposal would eliminate the single shared entry by adding an additional entry door and window to the front façade of the structure, making it more obviously a two-family unit. It would also convert the attic from storage space to living area through a dormer, which would be visible from Summer Street. Overall, this proposal would not detrimentally

impact the neighborhood character of the district or adjoining districts, nor will it be detrimental to the health, morals, or welfare of the neighbors of the property.

Criterion #7: Detrimental Excess in Particular Use
This proposal would not cause any detrimental excesses.

Below are aerial and street-based photos of the current building:




Recommendation:
The Department of Planning and Community Development maintains that the proposal is consistent with the Special Permit criteria and therefore recommends that the Zoning Board of Appeals approve this application.

REQUEST FOR SPECIAL PERMIT

TOWN OF ARLINGTON

In the matter of the Application of 150 Summer St LLC
to the Zoning Board of Appeals for the Town of Arlington:
Application for a Special Permit is herewith made, in accordance
with Section 10.11 of the Zoning Bylaw for the Town of Arlington,
seeking relief from the following specific provisions of the Zoning
Bylaw, and as described fully in the attached form, Special Permit
Criteria: Section 8.1.3.C

The Petitioner/Applicant states he/she/they is/are the owner -
occupant of the land in Arlington located at 150 Summer St
with respect to such relief is sought; that no unfavorable action
has been taken by the Zoning Board of Appeals or its predecessors
upon a similar petition regarding this property within the two (2)
years next immediately prior to the filing hereof. The applicant
expressly agrees to full compliance with any and all conditions and
qualifications imposed upon this permission, whether by the Zoning
Bylaw or by the Zoning Board of Appeals, should the same be
granted. The Applicant represents that the grounds for the relief
sought are as follows: the applicant seeks to expand the premises by adding a dormer
within the existing planes of the side wall of the building and to expand two existing porches, neither
item of construction will increase any dimensional nonconformity of the structure or open space requirements
and will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling

E-Mail awong0593@gmail.com Signed  Date: 6/25/2019
Telephone (857)-366-2936 Address 112 Bolton Rd Harvard, MA 01451

Special Permit Criteria- The following standards must be addressed and met for the grant of a Special Permit:

1). Indicate where the use requested is listed in the Table of Use Regulations as a Special Permit in the district for which the application is made or is so designated elsewhere in the Arlington Zoning Bylaw.
The use is a permitted two-family structure in the R2 District.

2). Describe how the requested use is essential or desirable to the public convenience or welfare.
The changes referred to in the petition will be part of a complete top to bottom, interior and exterior renovation of the structure.
It will remain a two-family home. It will be a significant improvement visually and functionally and will increase the tax value of the property.

3). Describe how the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
There is no increase in the number of units, there is ample off street parking for the two units to the rear of the property.

4). Describe how the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
The structure will remain a two-family home.

5). Describe how any special regulations for the use, set forth in Article 11, are fulfilled.
N/A

6). Describe how the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.
Use will be unchanged.

7). Describe how the requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The use is a permitted use in the R2 District.

OPEN SPACE/GROSS FLOOR AREA

Refer to Zoning Bylaw Article 2, Definitions and Article 6, Dimensional Regulations

Address 150 Summer St Zoning District R2

OPEN SPACE	EXISTING	PROPOSED
Total lot area	<u>5,247</u>	<u>5,247</u>
Open Space (Usable)*	<u>0</u>	<u>0</u>
Open Space (Landscaped)	<u>1,885</u>	<u>1,434</u>

*Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if : 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

GROSS FLOOR AREA (GFA)

Accessory building	<u>N/A</u>	<u>N/A</u>
Basement or cellar (>5' excluding mechanical area)	<u>1094</u>	<u>1127</u>
1 st Floor	<u>1094</u>	<u>1127</u>
2 nd Floor	<u>1094</u>	<u>1127</u>
3 rd Floor	<u>N/A</u>	<u>N/A</u>
4 th Floor	<u>N/A</u>	<u>N/A</u>
5 th Floor	<u>N/A</u>	<u>N/A</u>
Attic (>7'3" in height, excluding elevator, mechanical)	<u>0</u>	<u>535</u>
Parking garages (except as used for accessory Parking garages or off street loading purposes)	<u>N/A</u>	<u>N/A</u>
All weather habitable porches and balconies	<u>0</u>	<u>0</u>
Total Gross Floor Area (GFA)	<u>3,282</u>	<u>3,916</u>

REQUIRED MINIMUM OPEN SPACE AREA

Proposed Usable Open Space Percent of GFA	<u>0</u>
Proposed Landscaped Open Space Percent of GFA	<u>27%</u>

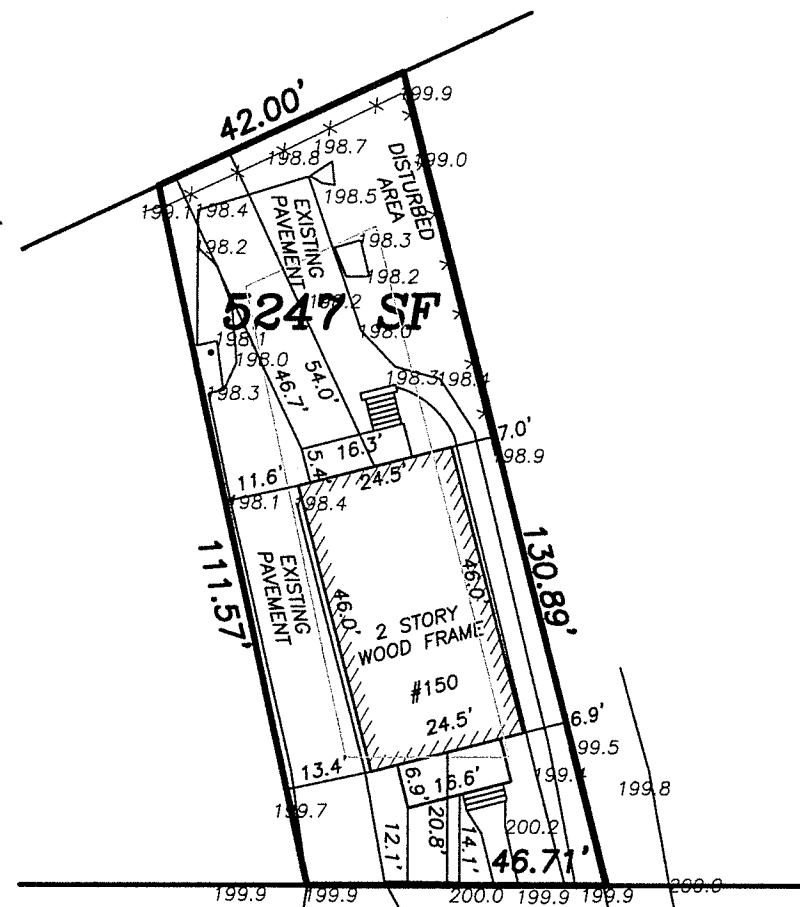
This worksheet applies to plans dated 11/30/2018 designed by Nunes Trabucco
Architects

Reviewed by Inspectional Services _____ Date: _____

TOWN OF ARLINGTON
 Dimensional and Parking Information
 For application to The Zoning Board of Appeals

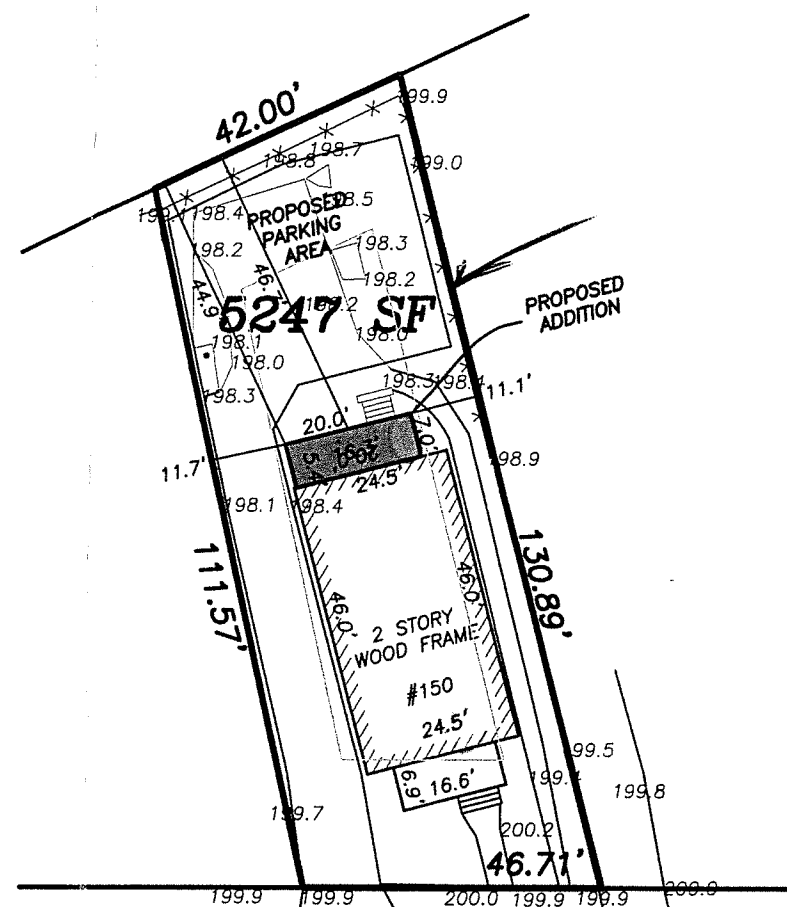
1. Property Location: 150 Summer St Zoning District: R2
2. Present Use/Occupancy: Two Family No. of dwelling units (if residential) 2
3. Existing Gross Floor Area (see definition of Gross Floor Area (GFA) in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor: 3,282
4. Proposed Use/Occupancy: Two Family No. of dwelling units (if residential) 2
5. Proposed Gross Floor Area (see definition of Gross Floor Area in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): 3,916

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (sq. ft.)	5,247	5,247	min. 6,000 SF
7. Frontage (ft.)	46.71	46.71	min. 60 FT
8. Floor area ratio	.6255	.7463	max. N/A
9. Lot Coverage (%)	25%	26%	max 35%
10. Lot Area per Dwelling Unit (sq. ft.)	2,623	2,623	min. N/A
11. Front Yard Depth (ft.)	12.1	12.1	min. 20
12. Left Side Yard Depth (ft.)	13.4	13.4	min. 10
13. Right Side Yard Depth (ft.)	6.9	6.9	min. 10
14. Rear Side Yard Depth (ft.)	46.7	44.9	min. 20
15. Height (stories)	2	2 1/2	max. 2 1/2
16. Height (ft.)	<35	<35	max. 35
17. Landscaped Open Space (% of GFA) Sq. ft. <u>1434</u>	36%	27%	min. 10%
18. Usable Open Space (% of GFA) Sq. ft. <u>0</u>	0	0	min. 30
19. Parking Spaces (number)	4	4	min. 2
20. Parking area setbacks	N/A	N/A	min. N/A
21. Loading Spaces (if applicable)	N/A	N/A	min.
22. Type of construction	Wood Frame	Wood Frame	Wood Frame



SUMMER STREET

EXISTING SITE

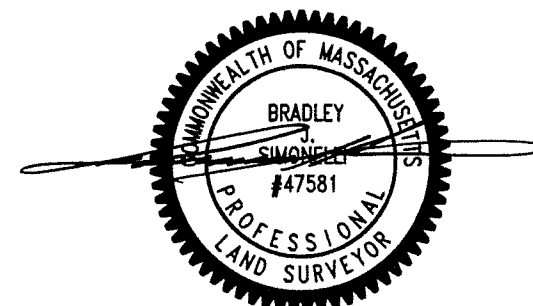


SUMMER STREET

PROPOSED SITE

ZONING INFORMATION: TWO FAMILY (R2)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	6,000 SF	5,247 SF	5,247 SF
MINIMUM LOT FRONTAGE	60 FEET	46.71 FEET	46.71 FEET
MINIMUM FRONT SETBACK	20 FEET	12.1 FEET	12.1 FEET
MINIMUM SIDE YARD	10 FEET	6.9 FEET	6.9 FEET
			(11.1 TO PROPOSED)
MINIMUM REAR YARD	20 FEET	46.7 FEET	44.9 FEET
MAXIMUM BUILDING COVERAGE	35%	25%	26%
MINIMUM USABLE OPEN SPACE	30%	0%	0%
MINIMUM LANDSCAPED OPEN SPACE	10%	36%	27%
MAXIMUM BUILDING HEIGHT	35 FEET	<35 FEET	<35 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES	2 STORIES



**ZONING BOARD OF APPEALS
PLAN OF LAND
150 SUMMER STREET
ARLINGTON, MA**

**Field Resources, Inc.
LAND SURVEYORS**

MAY 7, 2019 SCALE 1"=30'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com



Town of Arlington, Massachusetts

Docket # 3634: 21 Oakledge Street

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	ZBA_Package__21_Oakledge_Street.pdf	ZBA Package, 21 Oakledge Street
▣ Reference Material	3634_21_Oakledge_St_(1).pdf	3634_21_Oakledge_St (1)



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.3 A of the Zoning Bylaws that there has been filed by **Anthony and Lilah Byers** of Arlington, Massachusetts on **July 30, 2020** a petition seeking permission to alter their property located at **21 Oakledge Street Block Plan No.083.0-0007-0034.0** Said petition would require a **Variance under Section 5.4.2 B (Tables of Dimensional and Density Regulations)** of the Zoning Bylaw for the Town of Arlington.

Hearing in regard to the said petition will be remotely conducted via "Zoom" **Tuesday evening, September 29, 2020 at 7:30 P.M. or as soon thereafter as the petitioner may be heard. Please visit the Town of Arlington website for hearing information.**

DOCKET NO 3634

Zoning Board of Appeals

Christian Klein, RA, Chair

For information contact: **ZBA@town.arlington.ma.us**

REQUEST FOR VARIANCE

TOWN OF ARLINGTON

In the matter of the Application of Anthony and Lilah Byers
to the Zoning Board of Appeals for the Town of Arlington:
Application for a variance is herewith made, in accordance with
Section 10.12 of the Zoning Bylaw for the Town of Arlington,
seeking relief from the following specific provisions of the Zoning
Bylaw, and as described more fully in the attached form, Variance
Criteria: Small, first floor bathroom addition would require a Variance under section
5.4.2(Dimensional and Density Requirements). Relief from the following specific provision are
sought: 5.4.2.A. (Tables of Dimensional and Density Regulations).

The Petitioner/Applicant states he/she/they is/are the owner -
occupant of the land in Arlington located at 21 Oakledge Street
with respect to such relief is sought; that no unfavorable action
has been taken by the Zoning Board of Appeals or its predecessors
upon a similar petition regarding this property within the two (2)
years next immediately prior to the filing hereof. The applicant
expressly agrees to full compliance with any and all conditions and
qualifications imposed upon this permission, whether by the Zoning
Bylaw or by the Zoning Board of Appeals, should the same be
granted. The Applicant represents that the grounds for the relief
sought are as follows:

A second bathroom would greatly improve family life as children get older and create a safer
and more convenient situation for a nurse reentering the home during a time of pandemic.

Anthony.i.byers@gmail.com
E-Mail Lilah.Byers@gmail.com Signed  Date: 07/30/2020
Telephone 617 - 201 -6788 Address 21 Oakledge Street

Variance Criteria- A variance may only be granted when **all of the four criteria are met:**

1). Describe the circumstances relating to *the soil conditions, shape or topography which especially affect the land or structure* (s) in question, but which do not affect generally the Zoning District in which the land or structure is located that would substantiate the granting of a variance.

The structure is non conforming on a small lot hemmed in by structures on three sides.

Given the unusual lot, there is only one feasible location for a small addition, on the left side of the house replacing an existing side entrance.

2). Describe how the literal enforcement of the provisions of the zoning ordinance relating to the circumstances especially affecting the land or structure in question would involve *substantial hardship, financial or otherwise*, to the petitioner.

There is no reasonable alternative for constructing a first floor bathroom within the existing floor plan without significantly compromising living spaces. An even smaller addition not requiring a Variance would not be functional. Creating a second bathroom elsewhere would be prohibitively expensive (finished basement, dormer attic).

(Note that 2, hardship, must relate to the circumstances of the lot described in 1. For example a stone outcrop prohibits development consistent with zoning.)

3). Describe how desirable relief may be granted *without substantial detriment to the public good*.

The proposal would intrude a maximum of 1' - 6" at the front corner into the left side yard.

Its physical impact on the surrounding area would be negligible and not substantially alter the current aesthetic of the house or yard in relationship to abutting neighbors.

The abutters at 33 Park Avenue Extension, adjacent to the proposed addition, support the project (see attached letter).

4). Describe how desirable relief may be granted *without nullifying or substantially derogating from the intent or purpose of the zoning bylaw* of the Town of Arlington.

This proposal upholds the public's health, safety, and welfare.

State law (MGL Ch. 40A) specifies that the ZBA must find that all four criteria are met in order to be authorized to grant a variance. If one of the standards is not met, the ZBA must deny the variance.

Property Location: 21 Oakledge Street, Zoning: R1

Present Use/Occupancy: Single Family, No. Units: 1

Existing Gross Floor Area: 2702. [1]

Proposed Use/Occupancy: Single Family, No. Units: 1

Proposed Gross Floor Area 2752. [2]

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
Lot size (sq. ft.)	2816 sf	2816 sf	min. 6000 sf
Frontage (ft.)	49.59'	49.59'	min. 60'
Floor area ratio	NA	NA	max.
Lot Coverage (%)	23.70%	25.30%	max 35%
Lot Area per Dwelling Unit (Sq. ft.)	2816 sf	2816 sf	min.
Front Yard Depth (ft.)	9.2'	9.2'	min. 25'
Left Side Yard Depth (ft.)	11.4'	8.6'	min. 10'
Right Side Yard Depth (ft.)	6.0'	6.0'	min. 10'
Rear Side Yard Depth (ft.)	15.7'	15.7'	min.
Height (stories)	2	2	max. 2.5
Height (ft.)			max. 35'
Landscaped Open Space (% of GFA) Sq. ft. _____	51.80%	46.30%	min. 10%
Usable Open Space (% of GFA) Sq. ft. _____	0	0	min. 30%
Parking Spaces (number)	NA	NA	min.
Parking area setbacks	NA	NA	min.
Loading Spaces (if applicable)	NA	NA	min.
Type of construction	5	5	

Address: 21 Oakledge Street, Zone: R1

	Existing	Proposed
OPEN SPACE		
Total lot area	2816	2816
Open Space (Usable)* [3]	0	0
Open Space (Landscaped)	51.80%	46.30%
GROSS FLOOR AREA (GFA)		
Accessory building	NA	NA
Basement or cellar* [4]	594	594
1st Floor	830	880
2nd Floor	628	628
3rd Floor	NA	NA
4th Floor	NA	NA
5th Floor	NA	NA
Attic (>7'3" in height)* [5]	650	650
Parking garages* [6]	NA	NA
All weather habitable porches and balconies	NA	NA
Total Gross Floor Area (GFA)	2702	2752
REQUIRED MINIMUM OPEN SPACE AREA		
Proposed Usable Open Space Percent of GFA	< 30%	< 30%
Proposed Landscaped Open Space Percent of GFA	>10%	>10%

This worksheet applies to plans dated:

7/23/30

Designed by:

dEmios Architects

Reviewed by Inspectional Services:

Date:

[1] see definition of Gross Floor Area (GFA) in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor:

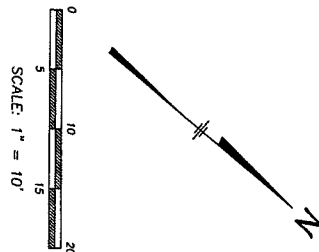
[2] (see definition of Gross Floor Area in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor):

[3] *Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if : 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

[4] (>5' excluding mechanical area)

[5] (excluding elevator, mechanical)

[6] (except as used for accessory Parking garages or off street loading purposes)



CURRENT ZONE = R1

	REQUIRED	EXISTING	PROPOSED
FRONT YARD	25'	9.2'	
SIDE YARD	10'	6.0'	
REAR YARD	12'	15.7'	
LANDSCAPE AREA %	10% MIN	51.8%	
OPEN SPACE %	30% MIN	0%	
LOT COVERAGE %	35% MAX	23.7%	

CURRENT OWNER: ANTHONY & LILAH BYERS

TITLE REFERENCE: BOOK 64856 PAGE 256

PLAN REFERENCE: BOOK 171 PLAN 27 PT LOT 35

THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION AND IS NOT A CERTIFICATION TO THE TITLE OF THE LANDS SHOWN. THE OWNERSHIP OF ADJUTING PROPERTIES IS ACCORDING TO ASSESSORS RECORDS. THIS PLAN MAY OR MAY NOT SHOW ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESCRIPTIVE.

SURVEYORS CERTIFICATION:

TO: LILAH BYERS

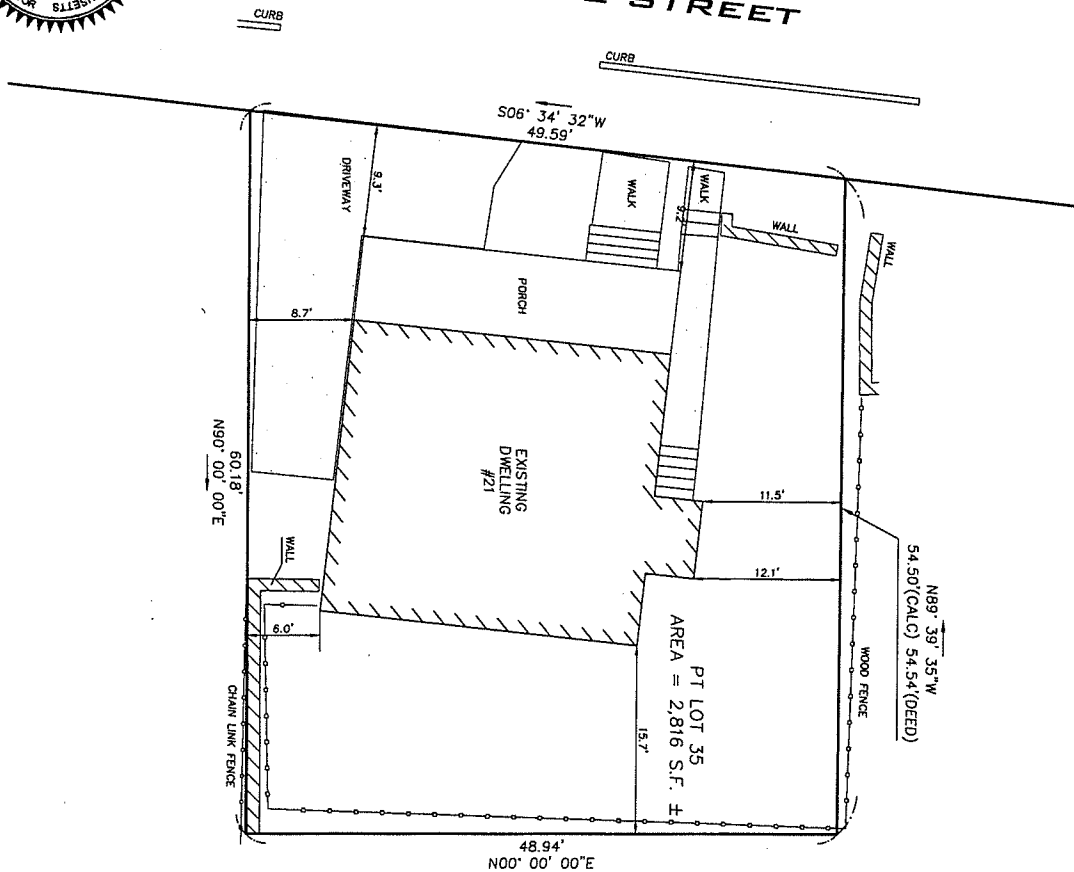
I CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE GENERALLY ACCEPTABLE PRACTICES OF LAND SURVEYORS IN THE COMMONWEALTH OF MASSACHUSETTS FOR A PLAN AND SURVEY OF THIS TYPE. THIS CERTIFICATION IS MADE ONLY TO THE ABOVE NAMED INDIVIDUAL(S) AND IS NULL AND VOID UPON ANY FURTHER CONVEYANCE OF THIS PLAN.

THE FIELD WORK WAS COMPLETED ON: JANUARY 10, 2019
DATE OF PLAN: JANUARY 17, 2019

RICHARD J. MEDE, JR. P.L.S. 01/17/2019
DATE:



OAKLEDGE STREET



PREPARED FOR:

LILAH BYERS

21 OAKLEDGE
ARLINGTON, MASS. 02474

PREPARED BY:

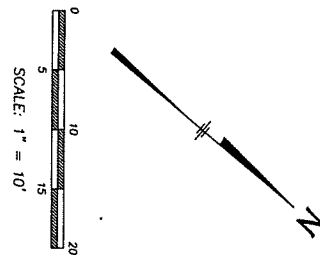


**MEDFORD
ENGINEERING
& SURVEY**

ANGELO B. VENEZIANO ASSOCIATES
15 HALL STREET, MEDFORD, MA 02155
781-396-4466 fax: 781-396-8052

CERTIFIED PLOT PLAN
21 OAKLEDGE STREET
ARLINGTON, MASS.
(MIDDLESEX COUNTY)

DRAWN	CHECKED	FILE No.
GRA	RJM	20374



CURRENT ZONE = R1

	REQUIRED	EXISTING	PROPOSED (ADDITION)
FRONT YARD	25'	9.2'	22.7'
SIDE YARD	10'	6.0'	8.6'
REAR YARD	12'	15.7'	17.9'
LANDSCAPE AREA %	10% MIN	51.8%	46.3%
LOT COVERAGE %	35% MAX	23.7%	25.3%

CURRENT OWNER: ANTHONY & LILAH BYERS

TITLE REFERENCE: BOOK 64856 PAGE 256

PLAN REFERENCE: BOOK 171 PLAN 27 PT LOT 35

THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION AND IS NOT A CERTIFICATION TO THE TITLE OF THE LANDS SHOWN. THE OWNERSHIP OF ADJUTING PROPERTIES IS ACCORDING TO ASSESSORS RECORDS. THIS PLAN MAY OR MAY NOT SHOW ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESCRIPTIVE.

SURVEYOR'S CERTIFICATION:

TO: LILAH BYERS

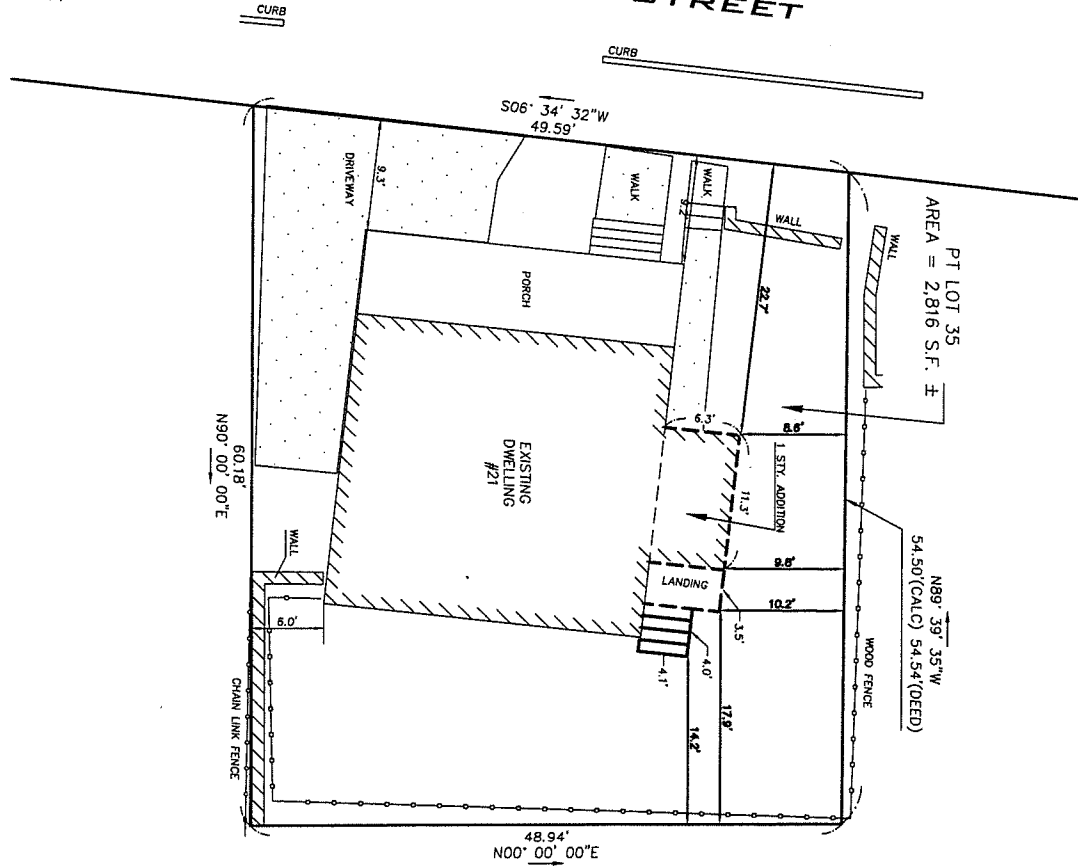
I CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE GENERALLY ACCEPTABLE PRACTICES OF LAND SURVEYORS IN THE COMMONWEALTH OF MASSACHUSETTS FOR A PLAN AND SURVEY OF THIS TYPE. THIS CERTIFICATION IS MADE ONLY TO THE ABOVE NAMED INDIVIDUAL(S) AND IS NULL AND VOID UPON ANY FURTHER CONVEYANCE OF THIS PLAN.

THE FIELD WORK WAS COMPLETED ON: JANUARY 10, 2019
DATE OF PLAN: JULY 30, 2020

Richard J. Mede Jr.
RICHARD J. MEDE, JR. P.L.S.
DATE: 07/30/2020



OAKLEDGE STREET



PREPARED FOR:

LILAH BYERS
21 OAKLEDGE
ARLINGTON, MASS. 02474

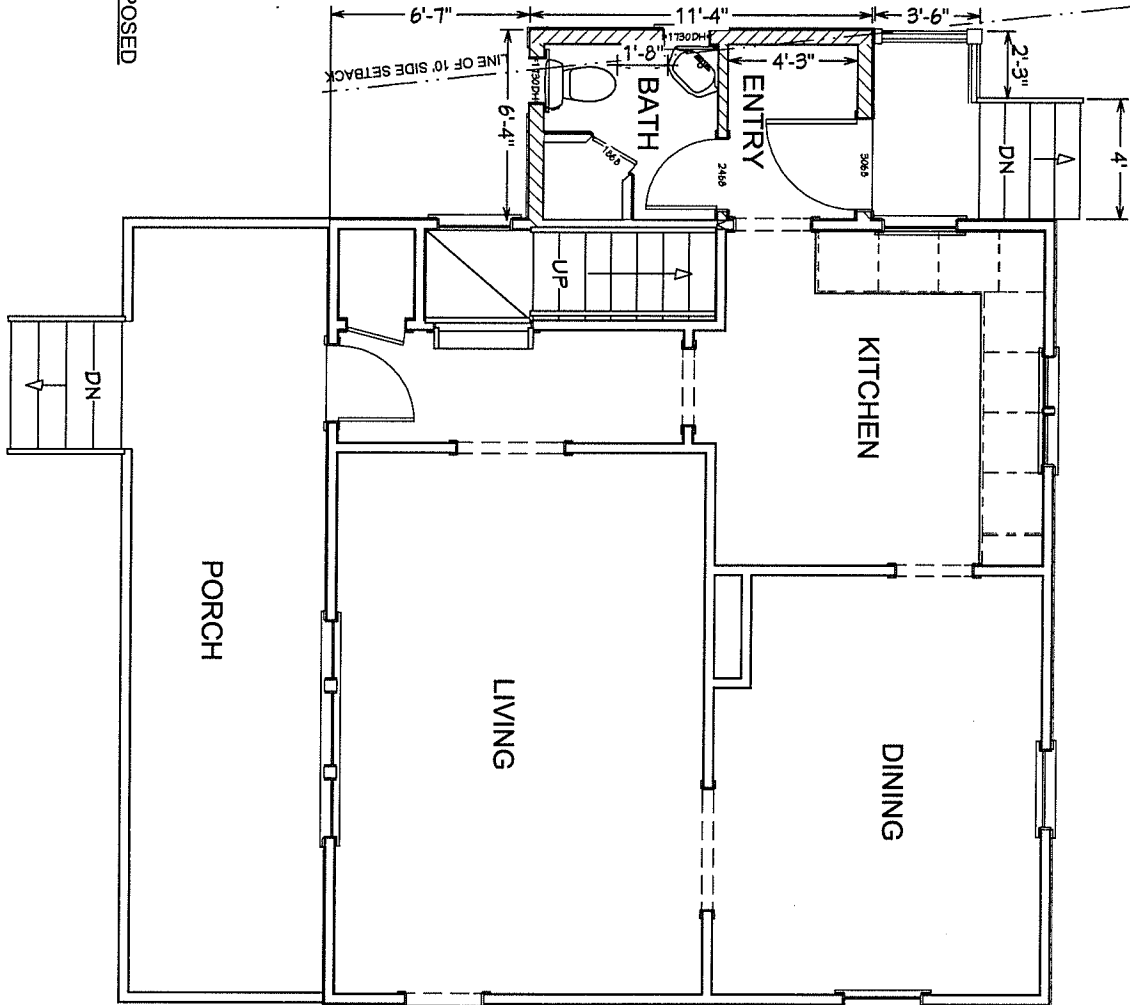
PREPARED BY:

**MEDFORD
ENGINEERING
& SURVEY**
ANGELO B. VENEZIANO ASSOCIATES
15 HALL STREET, MEDFORD, MA 02155
781-396-4466 fax 781-396-8052

CERTIFIED PLOT PLAN
21 OAKLEDGE STREET
ARLINGTON, MASS.
(MIDDLESEX COUNTY)

DRAWN	CHECKED	FILE No.
GRA	RJM	20374

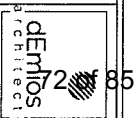
FIRST FLOOR PLAN PROPOSED
SCALE: 1/4"=1'-0"

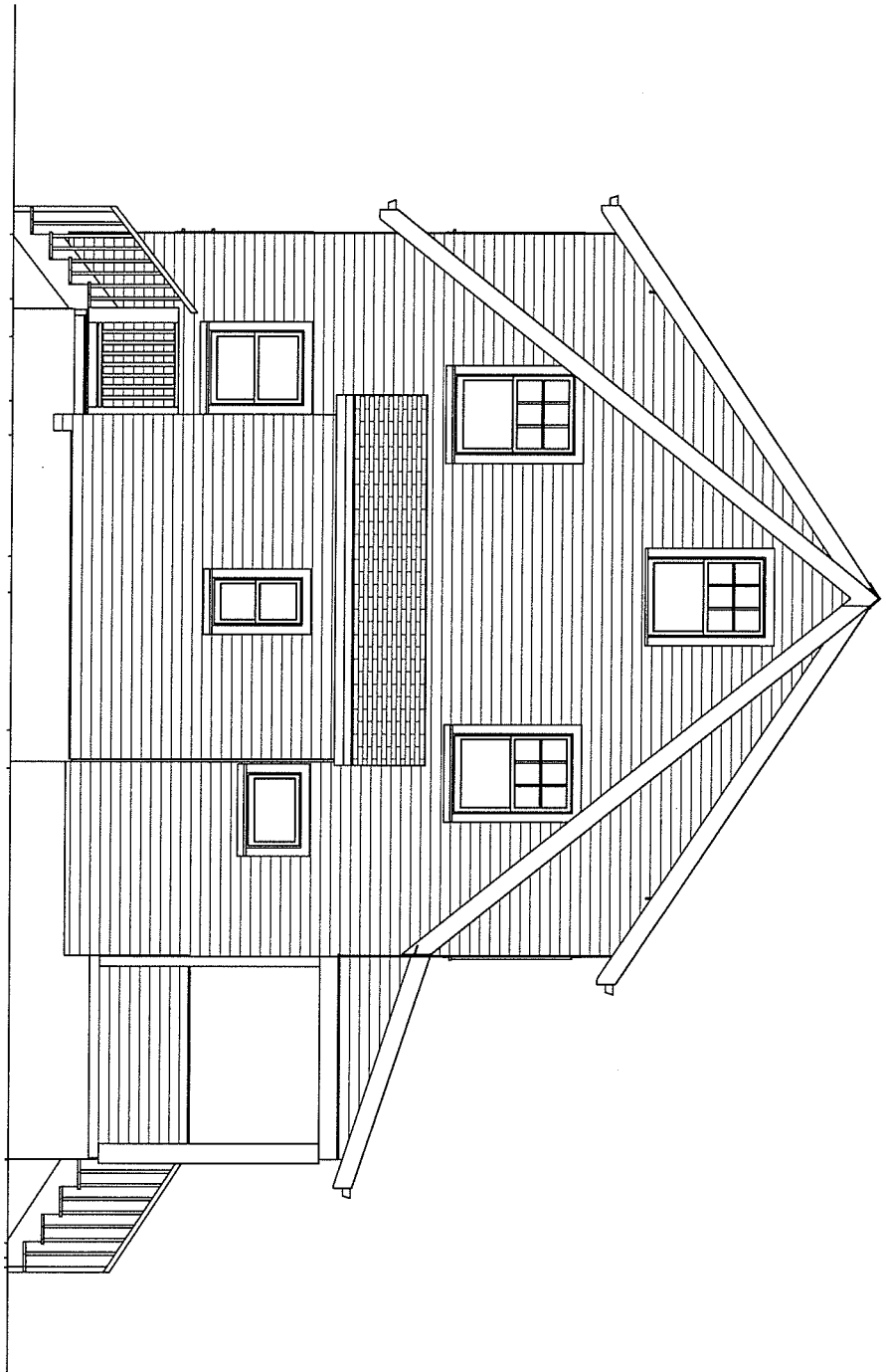


A1.1

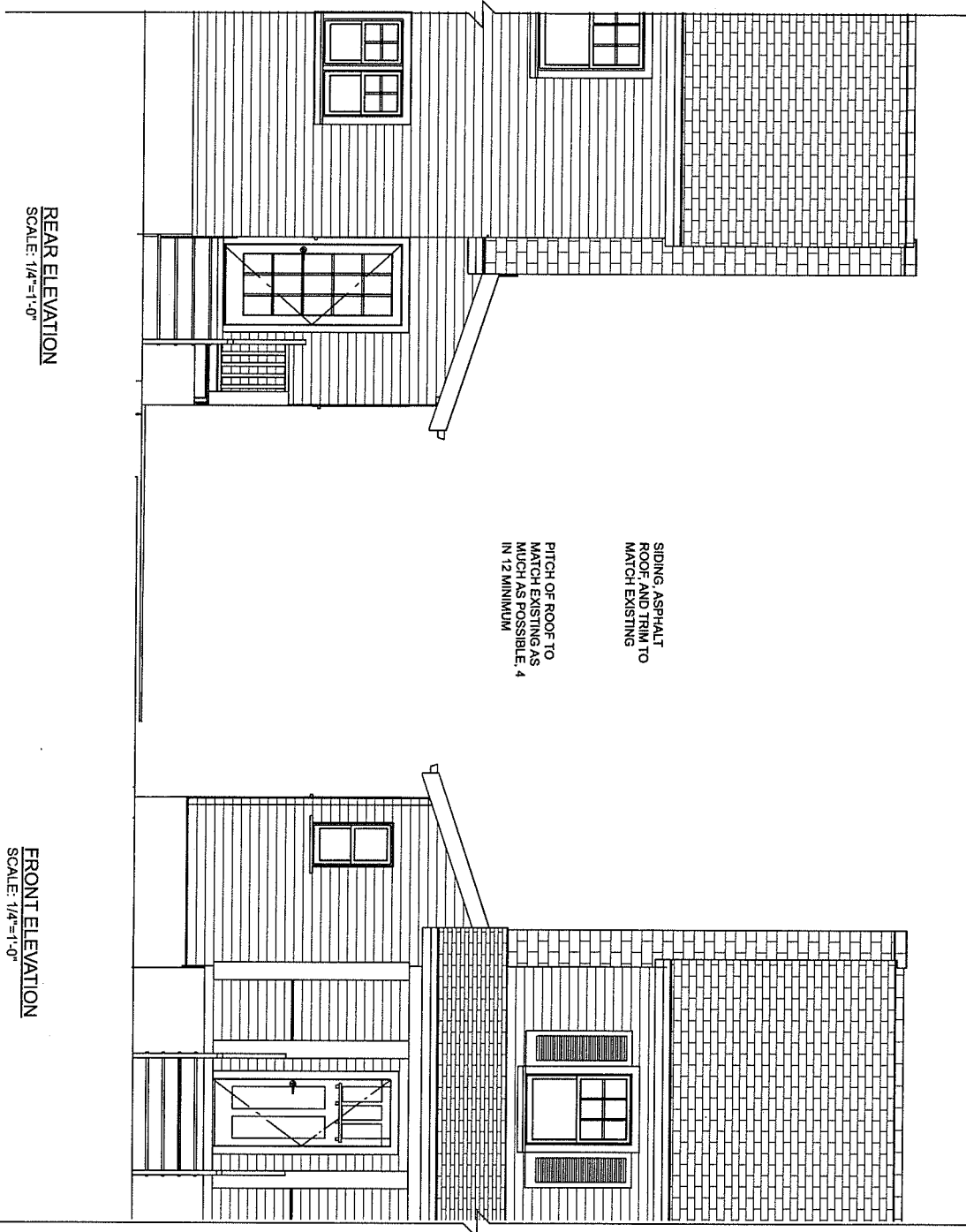
PLAN
7/23/20
rev

Byers Residence
Oakledge Road, Arlington MA





SIDE ELEVATION
SCALE: 1/4"=1'-0"



SIDING, ASPHALT
ROOF, AND TRIM TO
MATCH EXISTING

PITCH OF ROOF TO
MATCH EXISTING AS
MUCH AS POSSIBLE, 4
IN 12 MINIMUM

REAR ELEVATION
SCALE: 1/4"=1'-0"

FRONT ELEVATION
SCALE: 1/4"=1'-0"

Byers Residence

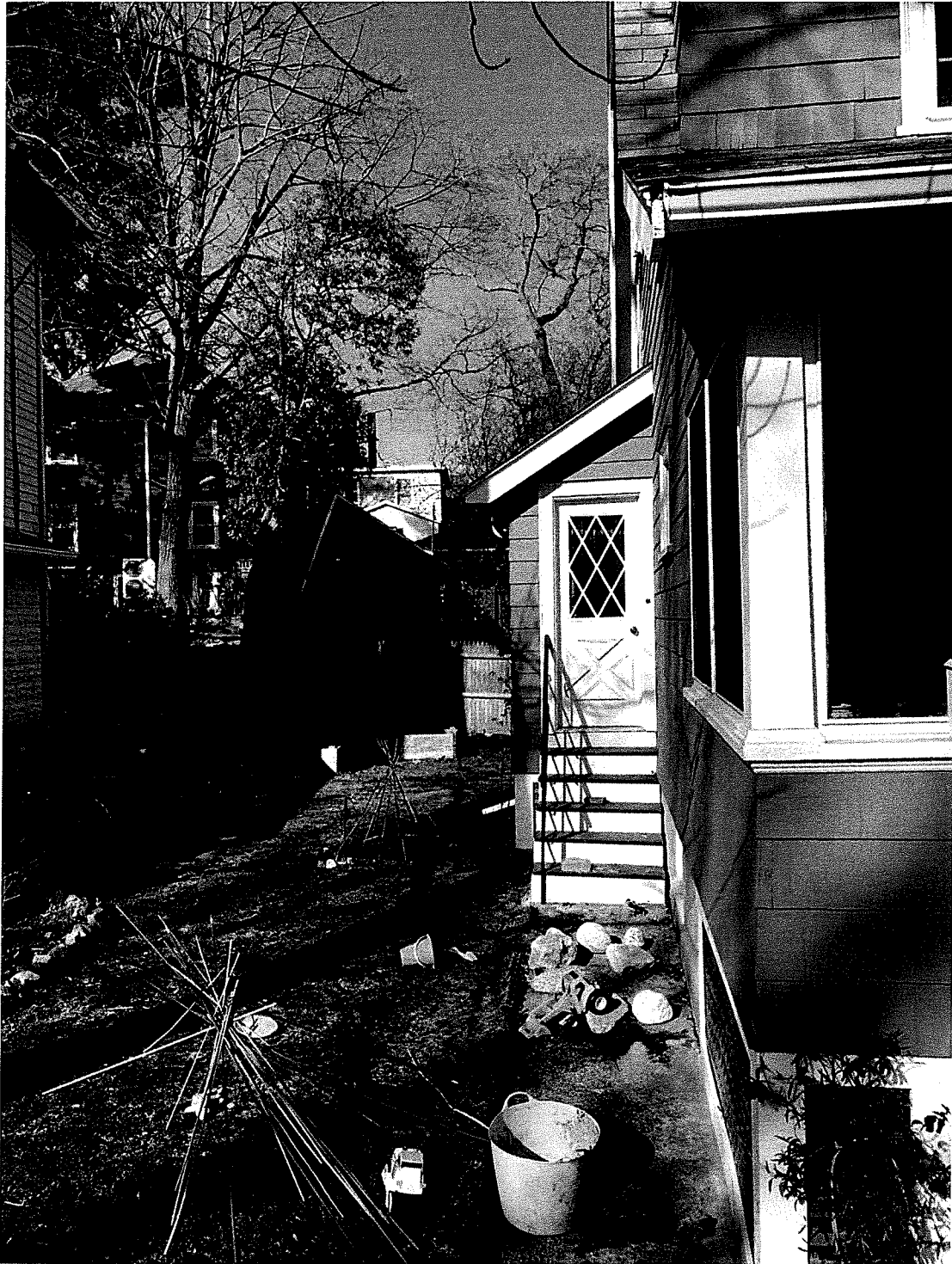
Oakledge Road, Arlington MA



7/23/20
rev
ELEVATION

A2.2

Exterior Photographs



Exterior Photographs



Kimberley & Stephanie McKenna
33 Park Avenue Extension
Arlington, MA 02474

July 23, 2020

Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476

Dear Zoning Board of Appeals:

We are writing in support of Tony and Lilah Byers' (of 21 Oakledge Street) request for a variance to the Town's side yard set-back requirements in order to build out a first-floor bathroom in their house. As the direct abutters on that side of the property, we are the neighbors who will be most impacted by this decision and we strongly feel the impact will be negligible. We have no privacy concerns as the lot line in question separates the Byers' side yard from our back yard and, as such, the part of our house that is in closest proximity to the proposed addition is our garage. Additionally, this section of the neighborhood is a puzzle of houses fit together so it will not look out of place to have the Byers' footprint a few feet closer. Lastly, approving the variance will allow the Byers to build an addition that is in proportion to their house and will increase the value of the home which is an asset to the whole neighborhood.

We have lived next door to the Byers for several years now and they are wonderful, courteous neighbors who put a lot of time and energy into the upkeep of their house and beautiful gardens. We have no doubt that with the approval of the variance their addition will only be an improvement.

Best,



Kimberley McKenna



Stephanie McKenna

Approval of Similar Project in the Neighborhood

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

ZONING BOARD OF APPEALS ARLINGTON, MASSACHUSETTS

In the matter of

35 SUNSET ROAD
ARLINGTON, MASSACHUSETTS

MARK & KUMIKO SEJIMA-WOODS
Petitioner

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)
)
)

Docket No. 3568

PETITION FOR VARIANCE

HEARING DATE: June 26, 2018
DECISION: July 15, 2018

DECISION OF THE BOARD

Christian Klein, Vice Chair
Roger DuPont, Esq.
Joseph Moen, Esq.
Shawn O'Rourke, Esq.
Kevin Mills

Copy

STATEMENT OF THE PROCEEDINGS

The Petitioner, Mark and Kumiko Sejima-Woods applied for a Variance under Sec 6.00 (Dimensional and Density Regulations) of the Zoning Bylaw for the Town of Arlington seeking to construct and addition on an existing single family dwelling located at 35 Sunset Road, Arlington, MA.

The property is located in an R-1 zoning district, and the lot upon which the building is located is 5446 square feet.

Legal notice was provided in the Arlington Advocate newspaper for two consecutive weeks, with the petition advertised as a Variance under Section 6.00 (Table of Dimensional and Density Regulations) of the Zoning Bylaw for The Town of Arlington. A hearing was held at the Arlington Town Hall, Second Floor Annex Building, on June 26, 2018. At the onset of the meeting, it was noted that the hearing was being recorded.

The following documents were submitted by the Applicant prior to the June 26, 2018 hearing:

- 1) Request for a Variance, Town of Arlington.
- 2) Town of Arlington Dimensional and Parking Information for application to the Zoning Board of Appeals.
- 3) Open Space/Gross Floor Area Worksheet
- 4) Plot Plan dated April 23, 2018, By Clifford E. Rober, PLS
- 5) Plans dated May 1, 2018 By Autodesk: A-0-A-4, Proposed Elevations and Floor Plan. In addition, the Board was in receipt of the following:

A memo from Jennifer Raitt, Director of Planning and Community Development for The Town of Arlington.

Pictures of the site including rear and side views of the proposed.

Elevations of the entire single family dwelling, with emphasis on the topography.

A separate package showing an alternate plan for The Zoning Board Members consideration.

Exhibit #4: Cost estimates for both the proposed and the alternate plan by Conneely Construction Company. (Note: Alternate Plan would cost substantially more)

Exhibit #5: Letters of Support from Abutters

On June 26, 2018, The Petitioner appeared before the Board. The Petitioner wishes to construct a bathroom addition on the first floor of the structure located at 35 Sunset Road where they reside and have been since 1999. The only feasible way would be on the left side of the structure. The

Petitioner added that as he and his wife age, the convenience of a bathroom on the first floor would be most desirable. The plan was to remove an existing entry that currently is 7'6" off the side yard setback and replace it with a new structure that would be 6.9' off the side yard setback. Said proposal would require a Variance. It was noted that the request was minor in nature and would infringe less than 12" more into the setback.

Mr. O'Rourke asked why this proposed addition could not be relocated to the opposite side thus would be by right as there appeared to be ample room. The Petitioner pointed out there was a driveway on that side leading to the required parking.

Mr. DuPont questioned the dramatic topography and noted that the proposed would be a challenge.

Mr. Moen noted the unique shape of the lot.

Vice Chair Klein asked if the proposed bathroom could be located within the existing structure to which The Petitioner described the unique layout of the first floor and would not be cost effective.

Mr. Klein asked if there was anyone present that would like to speak for or against this proposal. There were none.

FINDINGS OF FACT AND DECISION OF THE BOARD

The Board finds that the proposed addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board finds that all conditions for granting a Variance in accordance with Section 6.00 of the Arlington Bylaw are met and makes the following findings:

1. The circumstances relating to the soil conditions, shape or topography which especially affect the land of structure in question, but which do not affect generally the Zoning District in which the land or structure is located that would substantiate the granting of a variance.
2. The use is essential and desirable to the public convenience or welfare;
3. The literal enforcement of the provisions of The Zoning Ordinance relating to the circumstances especially affecting the land or structure in question would involve substantial hardship, financial or otherwise.
4. The desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of The Zoning Bylaw for The Town of Arlington.

It is of the opinion of The Members that all four of the Variance criteria are met.

At the close of the Hearing, the Board voted unanimously to grant the Petitioner a Variance.

The final plans and specifications approved by the Board for the permit shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with this application for zoning relief. There shall be no deviation during construction from approved plans and specifications without the express written approval of the Arlington Zoning Board of Appeals.

The Building Inspector is hereby notified that he is to monitor the site and should proceed with appropriate enforcement procedures at any time he determines that violations are present and the Inspector of Buildings shall proceed under Section 10.09 of the Zoning Bylaw, under the provisions of Chapter 40A Section 21D, and institute non-criminal complaints. If necessary, the Inspector of Buildings may also approve and institute appropriate criminal action, also in accordance with Section 10.09.

The Board shall maintain continuing jurisdiction with respect to this Variance grant.

The Board hereby makes a detailed record of all its proceedings relative to this appeal; sets forth the reasons for its decision and finding; directs that this record be filed in the office of the Redevelopment Board and in the office of the Town Clerk and shall be a public record, and that notice of this decision be made forthwith to each party in interest. Appeals to this decision, if any, shall be made pursuant to Section 17 of the Zoning Act (Massachusetts General Laws, Chapter 40A), and shall be filed within twenty days after the date of filing of such decision in the Office of the Town Clerk.

Christian Klein, Vice Chair

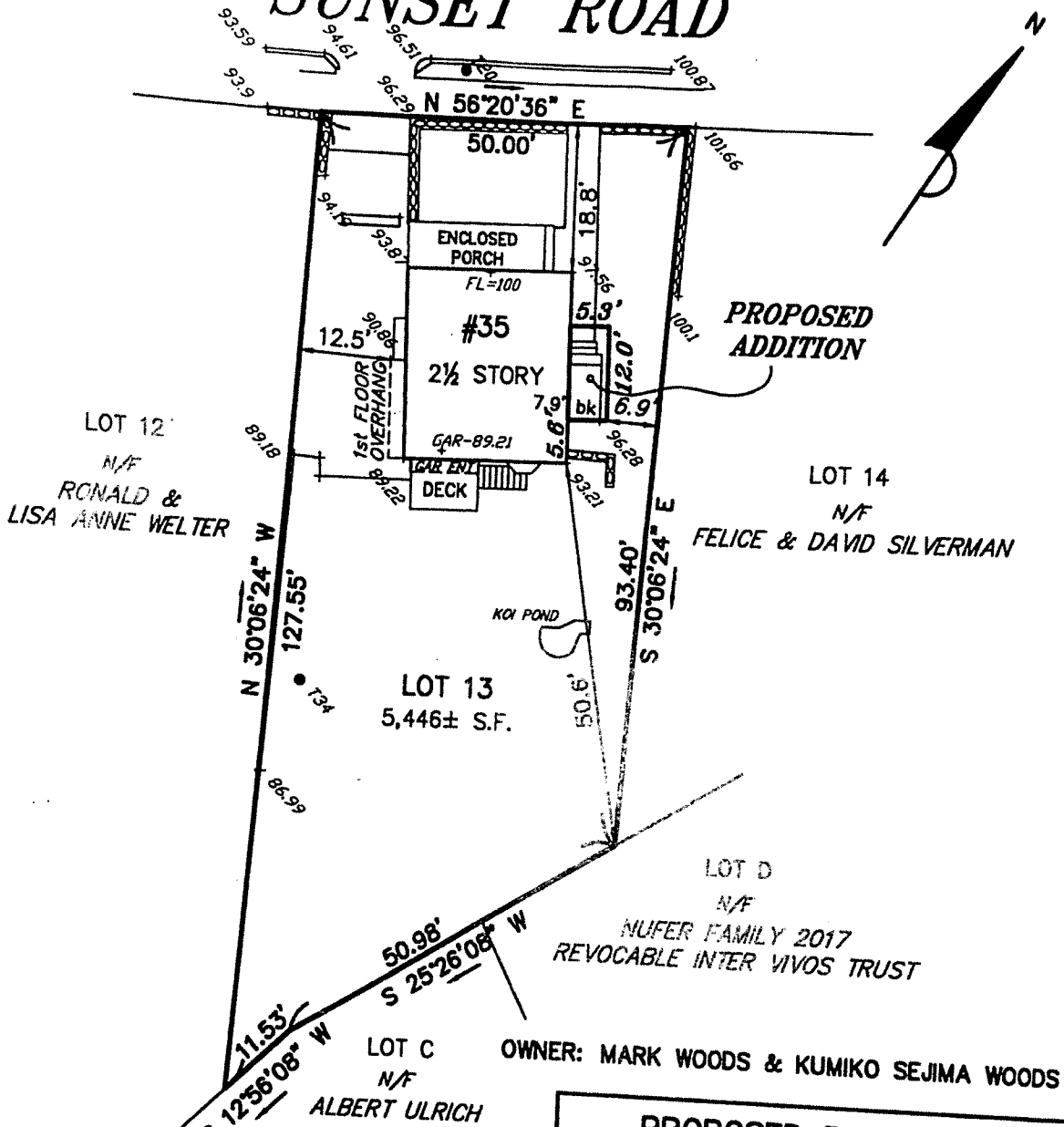
Kevin Mills

Roger DuPont, Esq.

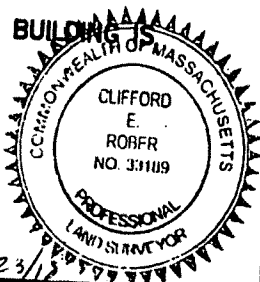
Joseph Moen, Esq.

Shawn O'Rourke, Esq.

SUNSET ROAD



I HEREBY CERTIFY THAT THE BUILDING IS
LOCATED AS SHOWN.



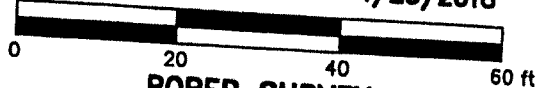
CLIFFORD E. ROBER, PLS

DATE

THIS PLAN MAY HAVE BEEN ALTERED IF
THE SIGNATURE IS NOT SIGNED IN BLUE.

**PROPOSED PLOT PLAN
#35 SUNSET ROAD
IN
ARLINGTON, MA
(MIDDLESEX COUNTY)**

SCALE: 1" = 20' DATE: 4/23/2018



ROBER SURVEY
1072A MASSACHUSETTS AVENUE
ARLINGTON, MA 02476
(781) 648-5533
5472PP1.DWG



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development/kl
Date: 9/24/2020
RE: Docket 3634 – 21 Oakledge Street; Request for a Variance under Section 5.4.2 B (Tables of Dimensional and Density Regulations) of the Zoning Bylaw

The applicants, Anthony and Lilah, are seeking a Variance under Section 5.4.2 B (Tables of Dimensional and Density Regulations) of the Zoning Bylaw. The applicants are seeking to increase the Gross Floor Area (GFA) of their home 2,702 to 2,752 square feet (+50 square feet) through an addition of a bathroom on the first floor.

The applicant's property is in the R1 Zoning District, and is nonconforming with the Zoning Bylaw's minimum requirements for lot size, frontage, front, right, and rear side yard, and usable open space. The proposal would eliminate the conformance of the left side yard by decreasing the setback from 11.4 feet to 8.6 feet (-2.8 feet, or 1.4 feet less than the minimum side yard requirement). None of the existing nonconformities would be increased by the proposal.

In their application, the applicants cite a variance request from 2018 for a property within the same neighborhood (35 Sunset Road). The applicants for that variance sought to construct a similar addition of a small bathroom on the first floor of their property, which was located on a sloped site. The Zoning Board of Appeals granted the variance in a July 15, 2018 decision.

The following is an application of the Variance criteria (MGL Chapter 40A, §10):

Criterion #1: Circumstances relating to the soil conditions, shape, or topography of the land or structures and especially affecting such land or structures but not affecting generally the Zoning District in which it is located that would substantiate the granting of a variance.

At 2,816 square feet, the applicant's property is significantly smaller than the 6,000 square foot minimum required for a structure in an R1 Zoning District. Furthermore, the existing structure is sited at an angle to the street frontage of the property, limiting the applicant's ability to complete an addition without encroaching into the existing setbacks. Additionally, the topography of the land is sloped such that the side yard is level with the first floor on the northwest side but slopes downward so that the southeast side yard is level with the basement, limiting the applicant's ability to construct a first floor addition on any other side of the structure.

Due to existing topography, lot conditions, and orientation of the structure, there limited areas where a 50 square foot addition on the first floor could be constructed without increasing or creating a nonconformity with the Zoning Bylaw.

Criterion #2: A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

In order to add a bathroom to the first floor of the property within the minimum setbacks required by the Zoning Bylaw would require the applicant to substantially modify the structure's floor plan, adding considerable expense to the addition.

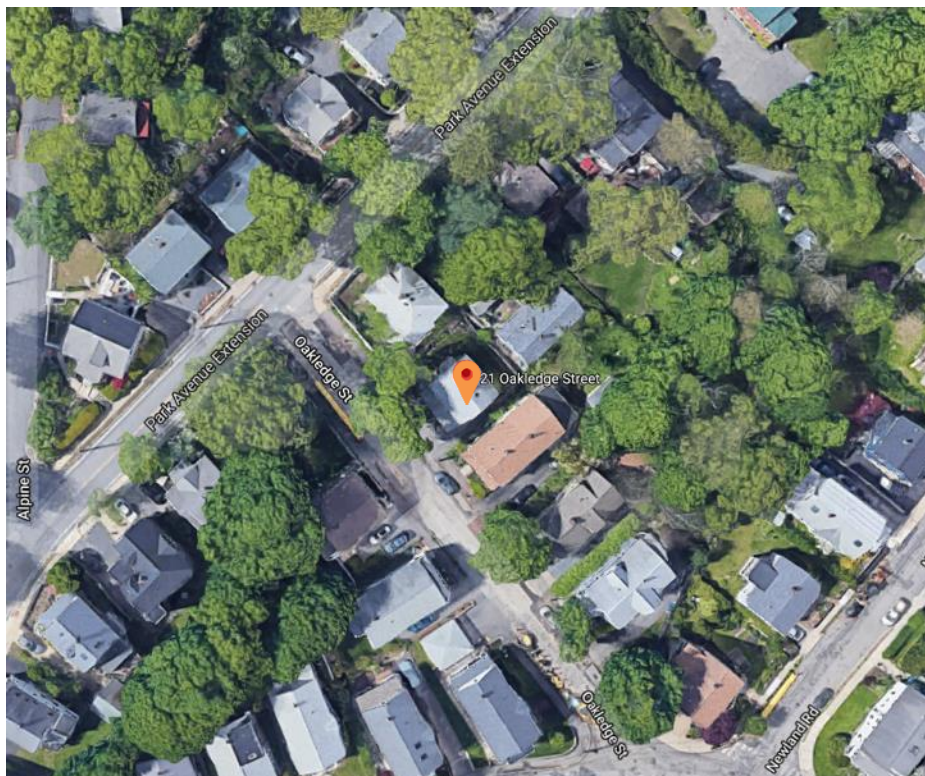
Criterion #3: Whether relief may be granted without substantial detriment to the public good.

At present there is not a bathroom on the first floor. The applicants are seeking through a modest addition to increase the usability and functionality of their home both now and as they and their family members grow older. The proposed addition would not substantially deviate from the existing appearance of the structure. Furthermore it is supported by the neighboring property owners who would be most proximate to the addition.

Criterion #4: How desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning bylaw in the Town of Arlington.

This proposal complies with the definition, purpose and intent of the R1: Single-Family District zoning district. The addition would maintain the property as a single-family home and would largely preserve the current appearance of the structure.

Below are aerial and street-view photos of the property:





Recommendation:

The Department of Planning and Community Development maintains that the four variance criteria have been met and recommends that the Zoning Board of Appeals approve this application.